



LOUISIANA BAR JOURNAL

ADDRESS OF THE PAST PRESIDENT

By Thomas W. Leigh

SERENDIPITY IN WASHINGTON

By Cecil Morgan

THE LAWYER'S DUTIES

By Lloyd Wright

A MESSAGE FROM THE PRESIDENT

By W. W. Young

COMMITTEE REPORTS

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Volume III

JULY, 1955

Number 1

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Address of the Past President, Louisiana State Bar Association

Thomas W. Leigh

One year ago, lacking three days, I stood before this same microphone and accepted the honor then accorded me by this Association of assuming its presidency. Approximately forty-eight hours from now I shall relinquish that office to my successor.

The twelve months which have intervened between those two milestones in my life will long be remembered. They have been eventful and meaningful; but their greatest value lies in the fact that they have brought me into closer contact with my fellow lawyers, with fellow members of this Association, in every section of our State; and they have furnished me with additional proof (if any were needed) of a fact which I have mentioned before: namely, that the legal profession is made up of the finest men and women to be found anywhere.

Section 3 of Article I of the By-laws of our Association requires the retiring President to deliver on the first day of the Association's Annual Meeting, an address upon such topic as he may select with the approval of the Board of Governors and to include in that address a report of the important activities of the Association and of the Board of Governors during his term of office. That point in my term of office has now been reached.

My position today is unique in at least one respect, for so far as I am aware, I am the only President of our Association, or if there have been others, certainly the first in many years, who has delivered his valedictory in the same hall wherein he was inducted into office.

Before proceeding with this report, it is not out of order to acknowledge my appreciation to all of those who have contributed so generously of their time and abilities to help accomplish whatever may have been accomplished during the past year. To the officers of our Association, to our immediate past President, and to each elected member of our Board of Governors, I am profoundly grateful for the wholehearted cooperation and

for the moral support which they have accorded me at every opportunity. To the chairman and members of the standing and special committees, all of whom have served at no small sacrifice, I now make public expression of my thanks. Special thanks should be expressed to Bob LeCorgne, our Secretary-Treasurer and the Editor of our Bar Journal, and to the Publications Committee for the successful publication of the second volume of our new Bar Journal. This volume saw the mailing to each member of the Association of four complete issues comprising a total of 328 pages, and containing a variety of interesting articles and papers which reflect credit upon their contributors and greatly strengthen the new Journal's position among the legal periodicals of the state. And last but not least, special mention should also be made of the continuing contribution of our Assistant Secretary, Steve Mascaro, and his assistants, Mrs. Weil and Mrs. Rispoli. No president of an organization such as ours can function with any degree of satisfaction or success without the cooperation of a capable executive staff, and believe me when I say that I have indeed been fortunate in being able to draw upon the knowledge and experience which Steve Mascaro has gained in the course of nearly half a century of loyal devoted service.

I shall not attempt in this portion of these remarks to make a detailed report of the activities of the year which is now drawing to a close. A perspective of the year's accomplishment will be brought to you at the meetings of the various sections which make up the order of the day tomorrow, and also by means of the reports of the various committees which will be brought to you as the business of our meeting unfolds. These committee reports and section program will acquaint you far better than can I with the everyday work of the organized bar in Louisiana. Your President—any President—can take little credit for what may be accomplished by the committees or by the sections, and it is not my purpose to attempt to do so this morning. I do feel impelled, however, under the provisions of the mandate which I mentioned a moment ago, to mention very briefly some of the activities to which your State Association has been a party during the past twelve months, and which may not fall within the scope of any special report.

Perhaps the first item which I should mention is the removal of the Association's offices from the Godchaux Building to the International Building, which was authorized by the Board of Governors in July and completed in August of last year. An-

nouncement of this move was made in my message in the October, 1954, issue of the Bar Journal and I repeat the invitation which I there expressed, for every member of the Association to visit the new offices and to make the Association's home your headquarters whenever you are in New Orleans.

While I am on the subject of the Association's quarters, may I also mention the proposed new Supreme Court Building which has been under study by a special committee whose report will be brought to you during our current meeting by Mr. H. Breazeale. I shall not infringe upon his report by discussing this proposed structure, but I do wish to mention that the plans for this building include ample space for the Louisiana State Bar Association, and when that building has been completed, we will have quarters of which we may be justly proud.

Another phase of the year's activities which will not come within the scope of any committee report, and which may therefore well be mentioned by me, comprises your Association's relationship to our Courts. In accordance with custom, your State Association sponsored, at the opening session of the Fall Term of our Supreme Court, its usual memorial services in memory of those members of the bench and bar who had been called from our ranks during the preceding year, but in addition it also sponsored, largely through the efforts of its public relations committee, the holding of appropriate exercises in all of the courts, designed to commemorate the resumption of activities following the summer vacation, and to emphasize the importance to a free society of a free and independent judiciary. This particular program has been a project of your Public Relations Committee for the past several years, and I am advised that each year sees the program attain a greater importance in the eyes not only of the Bench and the Bar, but of the public as well.

With regard to the Appellate Courts, your Association sponsored exercises honoring Justice Sam A. LeBlanc upon the occasion of his retirement from our Supreme Court, and a few weeks later honoring Justice James D. Simon upon his induction into office as Justice LeBlanc's successor; and it took an appropriate part in the memorial exercises which were held for Judge Louie W. Strumm of the United States Court of Appeal and which were participated in by the Bar Associations of all of the states comprising the Fifth Judicial Circuit.

Special mention should be made of the fourth Conference of

Local Bar Organizations, which was held in Shreveport in January. This was, in point of attendance as well as in number of participating groups, the largest of these conferences which has yet been held; and in the quality of the program presented, it equalled or excelled any of its predecessors. These conferences, it seems to me, are becoming increasingly valuable as a phase of our continuing legal education, and I am sure that every lawyer who has been in attendance at any of these meetings can agree that he was well repaid for the time and effort involved. Incidentally, may I mention here also that the Lafayette Bar Association has already extended an invitation to hold the fifth of these conferences this winter in its delightful and hospitable city. And, while the planning for that conference will be the responsibility of next year's officers and Board of Governors, I am sure it is in order here for me to urge each of you to make every possible effort to be in attendance when that particular conference is called to order.

While on the subject of continuing legal education, I should also mention that during the year your Association cooperated in the holding of the Fourth Tulane Tax Institute, and the Third Mineral Law Institute of the L. S. U. Law School, and that your President has but recently returned from participation in the Southwestern Legal Foundation's Lawyers' Week, which was held week before last in Dallas.

One further item of activity which should be mentioned in this portion of my remarks is negative in character. I refer here to the defeat of the proposal to increase our annual dues, which was adopted at last year's convention. In the balloting on that proposal, only about 1650 votes, representing slightly less than half of our total membership, were cast, and these were so evenly divided that the margin of defeat was substantially less than fifty votes. A similar resolution, once again seeking a raise in dues, has, I understand, been filed with the Resolutions Committee, and will again be brought before this convention, and while this is not the place to argue the merits of that proposal, some mention should be made in this report of your Association's need for additional income.

My report of the result of this year's budget, which will be brought to you Wednesday as a report of the Budget Committee, will advise you that the actual expenditures for the past fiscal year exceeded by some \$8,000 the expenditures which were con-

templated when the budget was confected on April 1, 1954. Approximately one-half of this excess was occasioned by the move to the new offices, by the necessity of renovating our existing furniture and procuring two desks and typewriters, and by the increase in rent; but the other one-half was a result of the increased cost of our Bar Journal, the expenses of the mid-Winter meeting in Shreveport, additional funds made available to the Public Relations Committee, and the increased expenses in the way of postage, printing, long distance telephone and travel expense, resulting from your Association's activities during the year.

Your Association still enjoys a surplus, which has been drawn upon to absorb the deficits resulting from the operations of the past two years, but it is obvious that such deficit financing cannot be continued over any substantial length of time. As a consequence, it is my duty to warn you that only two courses are open: either (1) we must curtail the operations of our Association, or (2) we must recognize the need for additional funds and make the contribution necessary to carry on its work. I cannot believe that the thinking members of this profession will want to adopt the former course and, as a consequence, I sincerely urge that you take affirmative action not only on the resolution seeking an increase in dues, but on the proposition itself when it is submitted to you by referendum as required by our charter.

I mentioned at the beginning of these remarks the obligation imposed upon the retiring President to include in his annual address, in his annual message, an address upon a selected topic. I should also confess that when I went to choose a subject, the variety of choices open left me in the position of the farmer's hired hand. Although I have mentioned his predicament on former occasions, it so aptly illustrates my own that I believe it will bear recounting once again.

This newly-hired hand had proved that he could plow more land, chop more cotton, cut more wood, or milk more cows in a given length of time than any hand the farmer had ever had. The farmer, thinking to utilize his talents in more important tasks, set the hand to culling potatoes. "All you have to do," he told the hand, "is to put the good potatoes in bushel baskets, and throw out the bad ones." Toward the end of the day, the farmer found to his surprise that the pile of uncultured potatoes was practically intact, with only a handful in the bushel hampers. "Why," said he, "on every other job I have given you, you have out-

worked any hand I ever had. How is it that you have fallen down so completely on this one?" "Well, I'll tell you," said the hand, as he disconsolately examined another potato and tossed it back to the original pile, "I don't mind work, but making these decisions is killing me."

Deciding just what to talk about today was no easy task, but on the theory that a speaker may talk not only to but also about his audience, I concluded to spend some portion of my address in talking to you about lawyers. And, to that end, to use as my theme the public trust that inheres in membership in this profession of ours — a profession which means so much to all of us, and which is so vital a part of our being.

Mr. Lloyd Wright, the distinguished President of the American Bar Association, who is the guest of honor at this year's meeting, and who will deliver the morning's principal address, has chosen as the subject of his remarks "The Responsibilities of the Organized Bar." My remarks, on the other hand, have for their object to emphasize the responsibilities of the individual lawyer — to himself, to the profession, and to society. There was and could have been no planned connection between Mr. Wright's paper and mine, for, as a matter of fact, I had selected the theme of my own talk long before I learned the title of his, and he has only today learned the burden of mine. But it appears that by happy coincidence we have selected topics which are complementary one of the other. For the proposition seems axiomatic that the organized bar can discharge its composite responsibilities only in proportion to the degree to which the individual members of our profession recognize and discharge the obligations which we assumed as a corollary to our admission to the legal ranks. And it seems equally true that the motto, "In Union There is Strength," applies to individuals as it does to sovereign states, and that the ability and competence of the individual lawyer to perform the duties imposed upon him by his profession, are visibly and materially strengthened by a strong, aggressive and well-functioning organized Bar. So while I do not know what Mr. Wright has in mind to say to us this morning, I have every confidence that his remarks will accord, rather than conflict, with my own.

For a lawyer deliberately, and without compulsion, to select his fellow lawyers as the topic for a discourse to members of his profession, affords grounds for the suspicion that his discretion

may be over-shadowed by his valor. Or, since I can claim no particular distinction with regard to either of these qualities, perhaps in my case it should be laid to the door of foolhardiness. Be that as it may, it is not the law itself, either as an abstract concept or as a philosophy, with which I propose to deal this morning. Nor yet is it the lawyer's responsibility in relation to this most jealous of mistresses to which I would invite your attention. Rather is it the lawyer himself, in his role of a public servant, and his responsibility not so much to his client as to his fellow men that I ask you to consider with me for the next few moments.

I have quoted to other audiences, and now ask leave to recall to you the admonition so eloquently expressed by one of the ablest lawyers, one of the clearest thinkers, our nation has ever produced :

"Other misfortunes may be borne, or their effects overcome. If disastrous war should sweep our commerce from the ocean, another generation may renew it; if it exhaust not our treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen to future harvest.

"It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these may be rebuilt.

"But who shall reconstruct the fabric of demolished government?

"Who shall rear again the well-proportioned columns of constitutional liberty?

"Who shall frame together the skillful architecture which unites national sovereignty with state rights, individual security and public prosperity?

"No, if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful and melancholy immortality.

"Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian Art; for they will be monuments of a more glorious edifice than Greece or Rome ever saw — the edifice of constitutional liberty."

These prophetic words, uttered some hundred years ago by Daniel Webster, senator and statesman, are as fresh and as vital today as at any period in our history. To the preservation of the edifice of constitutional American liberty, we lawyers must

stand unitedly and irrevocably committed. For the lawyer, by training, by temperament and by opportunity, is in a position to do more than any other class of our citizens to preserve our constitutional freedoms and the concepts of justice and liberty upon which rest our way of life; and the lawyer's individual obligation so to exercise his talents and his energies was never stronger than it is today.

This obligation the lawyer cannot shirk and remain true to his profession. As trained lawyers, our professional responsibilities require us to rank among the better informed citizens, and the obligation which I now emphasize compels each of us to maintain his place among the molders of public thinking, discussion and opinion. As trained lawyers, we have today a particularly compelling and vital obligation to fulfill in carrying, as best we can within our respective spheres of influence, the passions and impulses of our fellowmen away from those channels which lead to the ruthless denial of individual dignity and personal liberty.

The Communist conspiracy against free nations naturally centers upon our country because we have demonstrated that free enterprise, operating among and upon a free people, can build up the mightiest nation upon the face of the earth; and the love of freedom which is the deep-seated heritage of the people who make up this nation, places us and our capacities in the front line of opposition to Communist aggression. Never in our history, have our people been so overwhelmingly and firmly united on any subject as we are in our opposition to the godless doctrines, the stupid propaganda and the brutal practices of Communism. Our differences, which at times might appear deep-rooted and irreconcilable, actually relate not to any disagreement over the need for waging relentless and unceasing warfare against this doctrine until its threat has been completely and permanently eradicated, but only to the means by which the crusade against this evil may best be carried on. Let us not serve the purposes of this hungry aggressor by losing the sense of perspective, the spirit of justice and fair play, which have always been the saving virtues of the American public.

Our responsible military leaders are best qualified to meet any threats of force, and are doing so with realistic plans for defense both at home and on far-flung frontiers; but the threat that our institutions of freedom and liberty may be eroded from within must be met by the people themselves. And the resist-

ance to such a threat can best be organized and directed by members of the legal profession. Lawyers are the natural leaders in combating inroads and encroachments upon our constitutional American liberty — inroads and encroachments which serve the cause of dictatorship no less when sponsored by misguided leaders of our own than if they should ever be imposed as a yoke by some triumphant foreign power. Lawyers and judges must oppose any erosion to the bulwarks of our freedoms by vindicating, in the administration of justice, the principle that ours is and must remain a government of laws rather than of men. Crude concepts of justice, ranging from teen-age vendetta to adult hue and cry, must not be permitted to invade and warp the public mind and to corrupt the real meaning of due process of law. We must demonstrate that due process is not merely an empty phrase — that it is not a mere principle of constitutional law to be asserted and enforced only in the courts — but that it constitutes as well a rule of personal and political conduct which should be inviolate — a standard of orderly procedure within which the citizens of a free, self-governing democracy may conduct their local and national affairs without reckless accusation against each others' opinions and personalities.

The passions and weaknesses that beset our public consciousness are all too distressingly evident to our enemies as well as to our friends and to ourselves. Too often is selfish notoriety the beacon which guides the individual efforts of persons in places of prominence. Too frequently is reckless headline hunting the measure of action. Too glibly is the principle of guilt by accusation invoked to frighten honest opposition. Too freely is the epithet "subversive sentiment" applied to conscientious differences of thought. Too much is intolerance and bigotry the order of the day. These evidences of erroneous concepts of public responsibility emphasize the personal obligation resting upon each of us to combat and prevent any interference with our liberties, with its corresponding threat to our system of government, particularly at this time when both are being subjected to powerful and widespread opposition on too many fronts throughout the world.

There is a natural fear that lurks in every society just below the level of knowledge. This can be conjured to the surface and placed into harness by politicians of both parties whose campaign wagons lack other motive power. Such political voodooism we lawyers have the special knowledge to recognize and obliga-

tion to expose. Political flora and fauna that thrive in such a climate of fear are as the "horrid shapes and sights unholy" that people Milton's "Stygian cave forlorn"; and, as fungus growths that find their strength in darkness must wither and die when exposed to the light of day, so must personalities and programs that are nurtured on ignorance and prejudice yield to enlightening analysis and knowledge.

That analysis, that knowledge, the lawyer is peculiarly obligated to supply. The lawyer is equipped to recognize competence, integrity, dignity, and restraint, and private and political honesty. These qualities constitute the political material which the lawyer is obligated to support and which, if nourished, will provide ample security against the concepts of Communistic ideology.

It is not my purpose here to attempt to reconcile the various prescriptions which have been written of a lawyer's primary obligation. I submit, however, that they all involve a common objective. Blackstone's definition of law as a rule of civil conduct commanding what is right and prohibiting what is wrong, accords with the concept of a lawyer as an officer of the court. As such an officer, he is indispensable to the administration of justice and vital to the well-being of society; and as such he assumes an obligation to his fellowmen which is no less real and no less significant than that which he is under to his clients.

We Louisiana lawyers enjoy a specially distinguished and ancient legal heritage. Our civil law can trace its lineage in direct line to the earliest pages of recorded history. From the Code of Hammurabi through the Corpus Juris Civilis of Justinian, the Partidas of medieval Spain, the Customs of Paris, and the Code Napoleon, it has come down to us progressively modified and refined to meet the needs of ever-changing and successive civilizations. Is not the responsibility of the Louisiana lawyer to measure up to the standards of leadership to which membership in our profession implies — is not his responsibility in this respect proportionately greater because of the distinguished ancestry of the legal system under which he lives?

The Canons of Professional Ethics of the American Bar Association have been incorporated into, and form part of, the Articles of Incorporation of our Louisiana State Bar Association.

The Thirty-second Canon concludes with an admonition which, to me, epitomizes all the varying concepts which can be expressed of the responsibilities which must ever rest upon the individual lawyer.

"Above all," this Canon states, "a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty as an honest man and as a patriotic and loyal citizen."

May each member of our profession, as an honest man and as a patriotic and loyal citizen — in short, my friends, as a lawyer — at all times strive to seek and find "His Highest Honor."

— 0 —

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PRIDE OF THE SOUTH

Serendipity in Washington

By Cecil Morgan

at Annual Banquet of the Louisiana State Law Institute

Biloxi, Mississippi — May 2, 1955

Mr. Toastmaster, Members of the Louisiana State Law Institute, the Louisiana State Bar Association, Honored Guests, Ladies and Gentlemen:

And, May It Please The Court:

This is an action instigated by the firm of Tucker, Smith and Leigh. The Defendant *in propria persona* responded with alacrity and with glee. Though Mississippi has no jurisdiction to hear this case, both sides have waived jurisdiction *rationae personae* and will await the outcome of the case to determine jurisdiction *rationae materiae*. In the meantime, *ad hoc*, and as an interlocutory matter, certain pleas have been disposed of. They were as follows, to wit: please give me another drink. Sustained by Judge Hamiter. Please enjoin further eating. Overruled by Judge Fournet. Please make this brief. Sustained by acclamation.

This is an action in trespass. It is a pleasant trespass; that is, it has opened that way, unless the action is converted into assault with a dangerous battery of words. It is always pleasant to trespass on Mississippi. Here the balmy breezes of the Gulf suggest vacation times, and our senses are dulled by a plethora of calories, and the mind rebels against intellectual pursuits. Let us then be relaxed and soporific. The defense to the trespass is simply that there is no boundary between Louisiana and the Mississippi Gulf Coast. Louisiana officials run for office while residents here, and Mississippi officials, tired of the glittering life of their own Gold Coast, find repose and spiritual refreshment on Bourbon Street. The Bar and the Institute come here seeking, well, let us say, not for anything, because they have something — serendipity.

In this brief, I propose to cite a few cases in my own experience. If you arrive at a judgment in my favor, it will be due to your own serendipity.

I cite you Webster's International Dictionary: "Serendipity — the gift of finding valuable or agreeable things not sought for."

Your clients and mine send us often to Washington. And when we go there, we need to be veritable followers of the Three Princes of Serendip. That is the ancient Persian tale of the Island of Ceylon, and the etymological ancestor of the subject of this brief.

The first thing of interest, we find, is Washington itself. It is not just another city; it is not remote from our lives or from us. Washington is a pageant. It is an ever-changing scene. It is at once panorama and motion picture, television and star-chamber (or should I say smoke-filled room), depicting, blaring or distorting American life. Washington is a process, not a place. It is the vortex of the evolutionary process referred to by Davenport as the U.S.A., the Permanent Revolution.

Washington is the point of convocation of all politicians. There are a few of the old ones left. Do you remember what Phyllis McGinley called the Old Politician? She said:

"Toward caution all his lifetime bent,
Straddler and compromiser, he
Becomes a Public Monument
Through sheer longevity."

And there are still the bureaucrats, the Morton Quirks of World War II. Do you remember meeting Morton Quirk? Some anonymous poet has written his saga, and I think I shall read it to you.

REFERENCE: B AND B NO. C-24616
FILE INV. FORM A-625-MQ.

As head of the Division of Provision for Revision,

Was a man of prompt decision — Morton Quirk.
PhD in Calisthenics, P D Q in Pathogenics,
He had just the proper background for the work.

From the pastoral aroma of Aloma, Oklahoma,
With a pittance of a salary in hand,
His acceptance had been whetted, even aided and abetted,
By emolument that netted some five grand.

So, with energy ecstatic, this fanatic left his attic,
And hastened on to Washington, D. C.,
Where with verve and vim and vigor, he went hunting for the
nigger
In the woodpile of the W.P.B.

After months of patient process, Morton's spicular proboscis
Had unearthed a reprehensible hiatus,
In reply to Blair and Blair to the thirteenth questionnaire
In connection with the inventory status.

They had written—"Your directive, when effective was defective
In its ultimate objective—and what's more,
Neolithic Hieroglyphic is, to us, much more specific
Than the drivel you keep dumping at our door."

This sacrilege discovered, Morton fainted — but recovered
Sufficiently to write, "We are convinced
That sagotage is camouflaged behind perverted persiflage,
Expect me on the 22nd inst."

But first, he sent a checker, then he sent a checker's checker;
Still nothing was disclosed as being wrong.
So a checker's checker's checker came to check the checker's
checker,
And the process was laborious and long.

Then followed a procession of the follow-up profession
Through the records of the firm of Blair and Blair.
From breakfast until supper, some new super-follow-upper
Tore his hair because of Morton's questionnaire.

The file is closed — completed — though our Hero, undefeated
Carries on in some Department as before.
But Victory was in sight of — not because of — but in spite of
Doctor Morton's mighty efforts in the War.

And the big ball of red tape hasn't yet been unwound. So
with the politicians and bureaucrats surrounding us, bewildered
by the multiplicity of departments, boards, commissions, agen-
cies and offices, we wonder if any good thing could come out of
Washington. But we also find that wherever our home may be,
Washington is a part of it. It is Louisiana, it is Mississippi, it
is New York, and it is something else in addition. It is our link
with the Great World, about which I hope to say a word later.

Let us abandon our misgivings, our fear of the unknown
labyrinths of bureaucratic government, and consider our profes-
sion. Washington has something for us and we have something
for Washington. Washington is the great Court with jurisdic-
tion over our economic, social and international relationships,
and we are officers of that Court. We have the right to be ad-
vocates in this city that represents all of America, and we must
understand that with all its imperfections, it is the judge in
our case. In the great judicial process, the search for truth, we
may be ardent advocates, but in the great democratic process, as
citizens, we may be judicial. Right now, we are lawyers. But

the practice of law has evolved to the point where a great many of us find we have to be engineers, accountants, economists, or worse, the law merely furnishing us with enough background to do the advocates' job. And here I would plug for John Tucker's theme of providing Louisiana lawyers with that educational background that would link them with other countries of similar legal historic traditions. The scientists say we live in an expanding universe. Our own little economic universe is likewise expanding, and our horizons are fast receding to include in our area of activity the whole of the Great World.

In connection with the subject of advocacy, I have found pleasure in a book of the writings of an eminent Italian lawyer, named Piero Calamandrei, entitled "Eulogy of Judges." I like his language, and would like to share with you the reading of some pertinent passages:

"In a London gallery there is a famous painting by Champaigne showing Cardinal Richelieu in three different poses. In the center of the picture he is seen full face, and on each side he is shown in profile, facing the central figure. The model was the same in each case, yet there are three persons in the painting, each looking different.

"It is the same with a lawsuit. The lawyers present the two profiles of truth, but only the judge in the center looks it full in the face.

"The scales, the traditional symbol of justice, are the mechanical representation of the play of psychic forces which make the judicial process function. The competing lawyers must enter the picture, presenting their contrasting arguments so that the judge, after a few oscillations, may settle on the truth.

"The further the opposing weights radiate from the center (or the point of impartiality) the more sensitive must be the mechanism, the more exact the measurement. As each lawyer presents the most favorable case possible for his client, between them they create the equilibrium which the judge is seeking. He who would blame the lawyers for their partiality should also blame the weights on the scales.

"A lawyer who tried to perform his function with impartiality would not only become a useless duplication of the judge, but would also be the latter's worst enemy: by failing to compensate for the partiality of his adversary, instead of aiding justice, he would encourage the victory of injustice.

"A lawyer is like an artist in discovering and revealing the

most secret and concealed aspects of truth. Laymen, lacking this talent, sometimes assume that the facts, lovingly and carefully assembled by a lawyer, are only an invention of his mind. But a lawyer does not alter the truth, he selects its most significant elements which may escape the perception of outsiders. It is unjust to accuse him of betraying truth in making this selection, because like the artist he is its most sensitive interpreter."

And I liked this sentence: "The lawyers furnish the judge with the law materials from which he fashions a just solution — the chemical synthesis of two opposing partialities. They should always be thought of as a couple, even in the precise mechanical use of the term: a system of two equal forces operating in parallel lines in opposite directions, generating motion, giving life to the process, and finding repose in justice."

So now, as advocates we go down to Washington and we take with us the right facts for the judge to look in the face. In the Calamandrei tradition we are prepared to present the profile of truth, our favorite profile.

We probably go down to Washington in a bad humor. We have to cool our heels waiting for someone, the weather is bad, the cherry blossoms have been killed by the frost this year, the hotels are full, food is expensive, and the man we wanted to see is testifying before a congressional committee. The next man is in a different building. We are unable to find him because two streets a block apart are named the same. He is new on the job and hasn't heard of me or my client. Besides, he is worried over his security status, and wants us to help him find a job in industry. Anyway, we made the mistake of going over the head of the fellow down the line who could really help us.

And now we are in for two shocks. We knew Mr. Big, and we knew he was a fine fellow who would be glad to see us, if he were not occupied by the congressional committee over which he had no control. But down the line, Mr. Anonymous whom we finally got to see, a blankety bureaucrat, turns out to think just like we do. He is a career man, a dedicated public servant, a highly educated, cultured, and well-informed man, working for a meager salary, but the most you could do for him would be to find him some day when he wasn't so busy and take him to lunch, provided it was the only time he had to talk business with you that day. And here he is in that Department we always knew was full of Commies, other security risks, political hacks and inefficients. But he comes up with our second shock. He injects

into our case a new element. We thought we knew what justice was, and we have geared our preparation for our demonstration of the epitome in effective advocacy to justice in our particular and narrowed case. But Mr. Anonymous in Washington tells us there is another element to be considered, and that is The National Interest.

Well, we should have known it, but we should also say, "here is our first example of serendipity." If the National Interest is considered in Washington it is a good thing, and it could well be considered elsewhere. And maybe our clients have a responsibility. And so do we. Let's abandon the precepts of Dr. Calamandrei to that limited extent. And what authorities may be cited?

The legal profession is concerned with the apparent tendency toward the obfuscation of the lines between the powers of government that form our system of checks and balances. We see our courts giving way to the encroachments of administrative bodies, and the magnitude of our economic and social problems leaves us frustrated in the effort to retain the classifications of subject matter falling in familiar pigeonholes. Our government and our system have changed and are changing, and we know it and apparently stand helpless in the presence of this metamorphosis. We see new forces at work in Washington molding our form and charting our course. They are not new in name or purpose, but they are new in strength and influence and effect. Capital is strong, yes, but not as strong as Labor. Big Business is strong, but not as strong politically as Small Business. The organized farmer is a power that requires the rest of the entire nation to balance. Organized religion is a force felt in surprising places. Veterans now compose a large segment of each of three generations, both sexes, and a lot of leadership. Chambers of Commerce, manufacturers, artisans of all kinds, industries of all kinds, professions of all kinds, including the Bar, all make their power felt. And these special interests cover all of America. One cannot point to any individual in the United States, but what some interest of his is represented in Washington, and there is a powerful spokesman for his status or his cause or his economic interest. The interplay of these forces is forming new lines of demarcation between powers of government, not quite falling into the divisions set up in the Constitution but rather growing up in the constitutional framework. And you and I all represent some segment of this American bundle of forces. How should

we do it in Washington? I trust we go to Washington without a demand for more government regulation. I sincerely hope our clients have been sufficiently advised by us all that our freedoms can best be preserved by permitting freedom to others, instead of asking government to control them.

These interests often conflict, but the general goals are largely the same, and our government in Washington is the great arbiter of the methods to be used to attain them. With reference to the interests of my own client it is a pleasure to refer to the authority of a supposed adversary. Those of us who represent big business find Mr. Lilienthal's recent book refreshing reading. We found we were not the country's bete noire we thought we were. And now another great liberal has written hopeful and encouraging lines in a volume entitled "The 20th Century Capitalist Revolution." Mr. A. A. Berle, Jr., who is a teacher of corporation law, points out that corporations do not act as the classical economists of the eighteenth century expected them to act. He deals with the American corporation not as a business device but as a social institution in the context of a revolutionary century. And this deals a blow to the professors of economics who teach from the books, and who have failed to follow the trend of events in the past twenty years. He casts no stones, but again he faces economic facts and social trends, then places them in well-marshalled order. Incidentally, he discusses those of us who go to Washington, particularly representing companies doing a world-wide business, and says we ". . . will present the case for or against any particular set of relationships exactly as do well-trained government foreign affairs men explaining the measures taken by their governments, and the reasons for them." These and his further comments can but leave to the advocates and the advisors the simple and single suggestion that it behooves us to assemble our facts for the Washington judge in the combined light of the interest of an enlightened and patriotically advised client, and present them with the brief for The National Interest. Through the interplay of these many forces in American life, the strong central thread of the national interest forms the core, and our own selfish interest must indeed be woven round it, and give it support. And it would certainly help, sometimes, if we just really knew what The National Interest was. At any rate, the effort to attain it is good, and when we get over our shock of our first great experience in serendipity in Washington, we look again at the panorama.

Here is a thumb-nail sketch of a part of it: An investigating committee where witnesses are treated with respect, and where information is welcomed.

And here is another: Business and government cooperation, such as between the Department of the Interior, Oil & Gas Division, and the National Petroleum Council, and between the Department of Commerce and the Business Advisory Council. And there are other instances of cooperation.

And here is something else: A sense of humor and of fun in high places. You would have enjoyed the April Fool's Eve dinner of the American Bar Association Section on Antitrust Law, with Judge Barnes as toastmaster. He became a mischievous rogue and on introducing Mr. Justice Douglas suggested the result of his impending trip would be a book on Antitrust Law Behind the Iron Curtain by Douglas, as interpreted by Barnes. It was the occasion of the release of the report of the Barnes-Oppenheim Attorney General's National Committee to Study the Antitrust Laws, and if anything is crying for a laugh, this is. There was much good humor involved in baiting Oppie on insisting on spelling antitrust without the hyphen, in faked tape recordings of the proceedings of the committee, and the group was kept in laughter, which can be well used when the report is read and we understand its demonstration of the effects of our economic growing pains, our uncertainty with respect to how we present ourselves to other countries, and again points up the conflict of forces in our country having to do with our economic balance. Undoubtedly, this report will be a good influence in molding jurisprudence in hyphenated or un-hyphenated antitrust cases.

We look about us again, and this time we are amused by the great search for issues between the parties. In all that struggle we still see a genuine bi-partisanship on international issues.

And we see Congressmen with doubtful records voting right on some important issues. And we see celebrities who turn out to be real interesting people.

We see good results from Hoover Commission recommendations, reform in security regulations, and attention being given the overlapping problems in our federal system, just a suggestion that there is something left of States Rights. The Spirit of Liberty still prevails, despite the forces for paternalism. Justice triumphs over the greed of special interest. Individual rights are not forgotten in the growing power of the state. In the de-

velopment of strong central government with vast funds to be collected and dispensed, the essence of private enterprise is not forgotten, as witness the recent return of war enterprises to private hands, and the commission to examine government in business.

Now if all this seems like I am looking through the rose-colored lenses, let me say they belong to the Princes of Serendip, but I have chosen to borrow them in order to discard for tonight the yellow-jaundiced lenses that have begun to sicken me. How are we to represent the truth that is America unless we do? And how will Washington reflect the truth that is America unless the profile we present carries the sunlight's rosy hue?

And now my one final comment about Washington I referred to a while ago. That is its office as the link between us and the Great World.

Our international relationships are made poignant by the advance of an ideology that is coupled with a physical threat, and implemented by the greatest advance in scientific achievement the world has known since the first use of fire. With this appalling and awe-inspiring stage setting, we perform our little parts day by day. When we visit Washington we understand how pre-occupying these problems are. And we wonder how, away from that contact with the Great World, we can fail to gear our thinking and our acting in our daily lives to those considerations. But we do, and we forget. It is difficult, in dealing with our individual problems to be sure whether we have let ourselves represent extremes in nationalism, protectionism, isolationism, or any other doctrine and are critical of our officials for seeming to associate themselves with the other extremes of internationalism, free traders, extreme New Deal liberals, or what not. Again the problem of balances — but again the requirement for full understanding of the facts, and a judicial determination. Here we have our responsibilities in representing America to Washington. We expect peace, protection, opportunity for expanded trade, investment, reduced taxation, and a multitude of other things we feel we are entitled to. And we are. We must not overlook the hard facts of life. There are those actions that must be taken and understood by us, that have the effect of pushing away from our shores the line of battle, or widening our trade area, or limiting the drain on our pocket-books, or preserving our freedoms, and unless we see what is seen in Washington we have difficulty understanding. Unless

we participate in what goes on there we are in poor grace to criticize. Unless we assert our citizenship, our voices will not be heard. Unless we assert our leadership, the nation's leadership will have no source of strength upon which to draw.

But I believe in the ultimate soundness of the positions of our country, and in its ultimate demonstration of leadership. The agonies through which our democracy must go to attain decision are frustrating and disappointing often, but assured in the end. The Bar of this land reflects America, at its best the essence of its advocacy is in support of The National Interest, and it furnishes the source of a large measure of the leadership that means our leadership in the Great World of all the Nations.

In keeping our linkage with that Interest and that leadership, we are merely manifesting our destiny, which is a part of our time — this period of the Great Struggle in the Great World — the struggle for truth and its exposition — a field in which the lawyer is professionally involved. Today he is of necessity involved on the plane and in the span of the Great World.

If we ever find that truth, The True National Interest, we will do better than The Three Princes of Serendip.

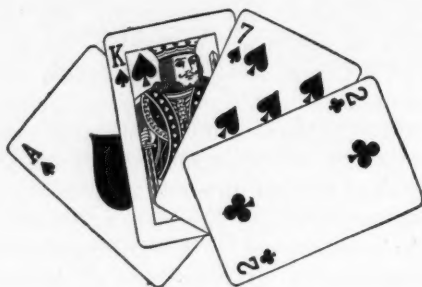
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The Lawyer's Duties

Address Delivered by

*Lloyd Wright, President, American Bar Association,
at Biloxi, Mississippi*

I am delighted to have the privilege and honor of visiting with you this morning.

The vitality that you have displayed in your meetings, and the sense of public obligation which has underlain your deliberations, add further justification for your standing as one of the foremost professional organizations in the country. I might interpolate here that the address of your President adds stature, I'm sure, to your accomplishments.

The quality of your representation in the American Bar Association from its inception has been high. (I remind you that when the American Bar Association was formed, Louisiana had almost the highest number of members. You had fifty-six. I remind you too, that it was one of your lawyers, Carleton Hunt, who filed the first report on Legal Education and Admissions to the Bar.) I cite you the accomplishments of such men as LeDoux Provosty. (Now, I didn't know LeDoux was going to say these things about me when I wrote this, so it's not a brother act). Of Ben Miller on the Committee on Judiciary; of Cuth Baldwin, your State Delegate, in his numerous conference activities. Another responsibility he has accepted: I understand that Uncle Hi is finding out that handling a Regional Meeting is not the picnic it is supposed to be. The correspondence that comes over his desk also goes over mine, and I wish he would hurry up and get the thing set up so I could get to work.

George Madison, your House Representative, Eberhard Deutsch, Charles Dunbar and a host of others who have rendered yeoman service in the past, are other indications of your assumption of your responsibilities and the quality of your leadership to assume them.

The work of the Bar and of the Law Institute in revising the laws of the state and improving the administration of justice, has brought you well-deserved honor. Some forty-odd years ago Judge T. C. W. Ellis, speaking at the Centenary of the Louisiana Supreme Court, observed:

"The Louisiana Bar Association is on the threshold of its activities and usefulness. Its motives are disinterested; its purposes look to the general welfare; its desire is to place the laws of the state and the administration of justice on a footing to keep pace with the requirements of this age, in all matters where this can be done consistently with the unchanging rules of justice and right."

Your splendid record of achievement in the intervening years, first as a voluntary association and in the past fifteen years as an integrated Bar, has brought the full realization of these high aims. On behalf of the American Bar Association, and in my private capacity as a fellow lawyer, may I commend you, Tom, for the vigorous and effective work you have been doing.

And despite the energetic program of the State Bar, Louisiana is still fortunate in having an impressive number of active local associations, whose excellence is attested by the Award of Merit conferred by the American Bar Association on the Baton Rouge Bar Association in 1950.

The Bar of Louisiana has occupied a unique station in American legal history. A region among the first to be settled on this continent, your State has a legal system which grew much like the deltas of the great Mississippi. First governed by the Law Company under a French Charter and then directly by France as a Royal Colony, your jurisprudence found its beginnings in the French Civil Code. Thirty years as a Spanish Colony added an overlay as the Civil Law was developed in Castile; and the process of alluvion was completed with the introduction of the English Common Law when the state became a member of the Union. This amalgam of legal systems presented a formidable challenge to the lawyers of early Louisiana. Justice Francois Xavier Martin—I must tell you that my relationship to the French language reminds me of my relationship to my wife: I think I know her very well, but I have never been able to manage her—Justice Martin, one of the Olympian figures of your legal history, wrote of his experience upon the bench of the territorial court:

"... From the jurisprudence of this newly acquired territory, possessed at different periods by different nations, a number of foreign laws are to be examined and compared, and their compatibility with the general constitution and laws ascertained, an arduous task anywhere but rendered extremely so here from

the scarcity of the works of foreign jurists . . . (The) Judge . . . often finds himself compelled, alone and unaided, to determine the most intricate and important questions . . ."

It is to the everlasting credit of the Louisiana Bar that the challenge called up lawyers who were equal to the task: judges like Justice Martin; lawyers like Edward Livingston, called by Sir Henry Maine "The first legal genius of modern times"; and lawyers as public officials, like your first Governor, W. C. C. Claiborne. They forged from this chaos a legal structure preserving the best features of the Civil Law of the Napoleonic Code, guaranteeing the great individual freedoms of the common law, and observing the wise limitations of our Federal Constitution. The same problems were faced by my native state of California in lesser degree, but our difficulties have been sufficient to provide me with an appreciation of the magnitude of your task. The Louisiana lawyer is perforce the master of the world's major jurisprudential systems, and the ingenuity he has displayed in adapting rules to conform with the demands of justice has enriched the laws of the other states as well.

Equally important, Louisiana lawyers have long recognized the obligations of public service. From the ranks of your Bar have come leading jurists, statesmen, military leaders and diplomats of our national history. Two justices of the United States Supreme Court, four members of the Cabinet of the Federal Government, and three Presidents of the American Bar Association have been members of the Louisiana Bar. The present generation of Louisiana lawyers has well preserved this vital heritage of public responsibility, and has provided leaders in all branches of public affairs.

It was just a century ago that Judge Sharswood of Pennsylvania first published his lectures on "Professional Ethics," the first American study of that subject. In his treatment of Ethics, Judge Sharswood divided his topic into two main headings. The first part was titled "Those duties which the lawyer owes to the public or commonwealth," and the second, "Those duties owed by the lawyer to his professional brethren and his clients." This classification, it seems to be, puts first things first: the lawyer's first and highest obligation is his duty to the public and to the commonwealth. In our unceasing struggle to keep abreast of the technical side of our profession, to retain in the midst of the rain of laws and regulations the competence required by our duties to our clients, we are all too likely to lose sight of our

fundamental responsibility to the public, our duty to preserve the system of limited constitutional government which makes ours a government of laws and not of men.

I am particularly grateful for the opportunity to meet with the Louisiana Bar, and to speak with you of this responsibility. Your calendar is replete with the study of substantive and procedural subjects of the law. Consequently, though I would enjoy discussing the American Bar Association activities, I have chosen my topic because of my deep concern with the future of this country. It is my abiding conviction that we are drifting ever further from the principles basic to our freedom as a people and as a nation, and that if we are going to avoid the evils of a paternalistic and ever-growing centralized government, it is the lawyers of the nation who must lead the way. Our professional devotion to the cause of resistance to unlimited governmental power and the quest of our professional ideal of justice under the law, furnishes us with the unique ability to recognize threats to our liberty and to defend it against attack. At the same time, this ability imposes upon us, as lawyers, individually and collectively, the solemn obligation to employ our talents and our understanding in the cause of right.

The lawyers of Louisiana have been among the leaders in the struggle for local self-government and in the fight against totalitarian power. Under the rule of Spain, Louisianians sought independence and succeeded in driving one royal governor back to Spain well before the American Revolution began. And in that struggle to free the original colonies from oppressions of the British Crown, Louisiana again served the cause of liberty by furnishing valiant support to the colonists. After entering the Union, Louisiana's lawyers were instrumental in abolishing the injustices of combining the functions of the executive and judicial branches in a single Governor, and in establishing an independent and forthright judiciary. An example of the rugged integrity of your early judges is afforded by an incident during the War of 1812, when General Andrew Jackson arrested Judge Dominick Hall of your Supreme Court, refused to honor a writ of habeas corpus issued by Judge Lewis of the same court, and instead ordered the arrest of Judge Lewis as well. Judge Lewis at the same time was serving with Jackson as a member of the New Orleans Rifles, and despite the threat of arrest set out to serve the writ and compel the release of his colleague. Jackson

relented in the face of this determined courage, and both Judges were permitted to go free.

It is, then, with you, the present members of the Louisiana Bar, as the heirs to this proud tradition of adherence to the principles of our constitutional system, that I wish to speak of the lawyer's responsibility today. Perhaps we can take our theme from one of Louisiana's greatest jurists, Chief Justice Edward Douglas White, when, speaking at the Louisiana Supreme Court Centenary, he said: "I trust that the ceremonies may . . . serve to revivify and strengthen in the hearts and minds of all, the purpose to sustain and perpetuate the court, and thus guarantee individual freedom and representative government by safeguarding the life, liberty, and happiness of all."

The constitution of the American Bar Association states: "Its objects shall be to uphold and defend the Constitution of the United States and maintain representative government." Pursuant to this mandate I have a firm conviction that we must realistically face the fact that if we are to depart from the easy road of paternalistic government down which we have traveled so far, it is the informed citizen, who understands and appreciates our political and economical system, who must lead the way.

It is never trite to return to fundamentals. The laws of human nature do not grow obsolete. Perhaps, then, there is something to be gained from another look, even a brief one, at the basic principles of our form of government. The essential concept which serves to distinguish the American scheme from the other political systems of the world is an idea that has been expressed in various ways. It is sometimes said that we have a government of laws and not of men, or that the state exists for the benefit of the individual and not the individual for the exaltation of the state. We take pride in the fact that our government is not totalitarian. The idea which underlies these statements is in its essence a very simple one. It is merely that there are some things that government at all levels should not and cannot do.

This fundamental notion of the place of government has a long history. It seems to have had its origin at Runnymede, in 1215, with the signing of the Magna Carta. That great document imposed restrictions for the first time upon the powers of the sovereign and of his courts, and gave birth to the traditions

of individual liberty which characterize the Anglo-American legal systems. But only the actions of the king and of the judiciary were affected by this great charter, and the legislative branch of government remained, and still remains, unrestricted. The British Parliament is governed solely by unwritten principles of justice which are often referred to as a "constitution" but are not enforceable in the courts and are, in reality, little more than appeals to the conscience of the legislator to act fairly in exercising his powers.

It remained for the wise men who framed the United States Constitution to establish the first government limited in all its branches, to lay down in a written document limitations which neither of these, the executive nor the judiciary, could exceed. The result of this bold experiment is a government of limited power, and a reservation in the people of all things and jurisdictions not specifically granted to a centralized government, and while there are those who would install the Federal Government as all-powerful and beneficent, 165 years' experience of constitutional government in which the integrity of the individual is emphasized more than in any other government in the history of the world has, I am sure, proven that our sacrifice of alleged material advantage to the somewhat idealistic belief that a man has a right to chart his own course, to realize his potentialities in his own way, to follow his own conscience — in short, the right to be a man and not a number — is a sound concept of government. Putting it another way, we have chosen to rely upon the individual's capacity to think and to act rightly rather than to put our faith in the wisdom of a government planner, and the history of the success of our government, the freedoms that our people have enjoyed and the unbelievable economic growth and stability of the nation under these assumptions have proved their validity.

It is wise for us to recall these simple propositions from time to time. It is one of the paradoxes that the most obvious and familiar principles are often the easiest to overlook. We have recently had occasion to consider in detail the validity of some of these principles. The twin threats of Communism, of atomic war from without and of subversion from within, have forced us to reconsider these past few years how far our theory of government permits us to inquire into the citizen's beliefs and allegiances, and to re-examine, in the searching light of present necessity, his cherished rights to speak freely and to refuse to

be a witness against himself. The conflict between the government's interest in its self-preservation, and the individual's claim to political liberty, has forced us to face the ultimate questions underlying our theories as the framers of the Constitution saw them, shorn of the insulation of the passage of time. I am confident that the result of this painful re-appraisal will be a renewed and revitalized respect for the wisdom of this nation's founders and a clarified conception of the basic rights they established. Truths which are never challenged are quickly surrounded by a haze of indefiniteness that obscures their enduring significance. Testing the fibre of these principles in the crucible of imminent danger will serve to separate the essence of the principles from the aura of misconception that they have accumulated through the years and to reveal them once more in their original shape and brilliance. In this sense, the current challenge to our political assumptions may prove to be a kind of blessing in disguise.

History teaches that liberties are seldom lost in a direct attack leveled against them. I am therefore concerned not so much by the danger to these principles for which the defense has already been rallied as by the threats to other principles no less basic to our form of government which have been largely ignored. We have submitted more and more in recent years to governmental control of the pursuit of our livelihood. We look more and more to government to fill our economic needs. We have come to regard freedom in economic affairs as of a lower order than freedoms of speech and of belief. I think we commit a tragic blunder in doing so. The right to acquire and to dispose of property is inseparably bound up with those rights generally classed as civil or political. The man who controls the government doesn't have any trouble in attracting the votes he needs to remain in office or to retain his power. It is one of the hard facts of life that power over the purse strings often carries power over men's minds. The rights to speak, to think, and to believe without hindrance become hollow privileges to the citizen who is completely regimented in the pursuit of his life's work. It is probably safe to assume that the average American spends more of his time on the job than on the soap box. If it is a premise of our American system that we should allowed to each individual the freedom to take full advantage of his individuality, we cannot deny him the right to choose his own job, to perform it as he thinks best, and to receive and retain the fruits of his labors. Unless the citizen can gain an adequate reward for a

job well done, the pursuit of his life's work becomes only a race on a treadmill, and apart from the individual satisfactions afforded by the greatest possible measure of economic freedom. It is one of the working assumptions of our system that the economy will function best in the long run if each of us is free to pursue his own self interest, for in doing so we will labor more productively, to the benefit not only of ourselves but of the whole nation as well. The same logic that teaches us that no all-wise planner should determine what we must believe, and that the only test of truth is its capacity to gain acceptance in the marketplace of ideas, also teaches that no planner should determine the value of our goods or our services, and that the only test of economic value is the capacity to bring a price in the market place of commerce. And in our struggle against Communism we should keep in mind that the Marxist philosophy which we are opposing is basically an economic theory, and only incidentally affects the rights of speech and belief and others which are usually classed as civil.

There is no warrant in the history of our constitutional traditions for this relegation of the rights of property to the status of second-class constitutional guarantees. In the Magna Carta, liberty and property were accorded equal dignity. The Constitution of the United States in a single phrase protects life, liberty, and property from arbitrary deprivation by the Federal Government. The Constitution does not of course incorporate the economic theories of Adam Smith, but it does recognize an inalienable right to acquire, hold and dispose of property by lawful means, and by so doing excludes the Marxist notion that all productive property belongs to the state and is not susceptible of private ownership.

As our population increases, and as transportation and communications improve to facilitate dealings across geographic and state boundaries, our relationships become increasingly complex, and a larger measure of control of our economic affairs becomes inevitable. Of necessity we must submit to more interferences than the frontiersman. Two World Wars have accustomed us to governmental direction of our financial pursuits initiated under the pressure of the necessities of national self-preservation. The financial collapse of 1929 readied our people for desperate measures which in other times they would never have tolerated. To agree that these encroachments upon our liberties can be justi-

fied, or even to admit that under the pressure of circumstances they were necessary or desirable, does not commit us irrevocably to the path down which these steps have led us, and does not mean that we should not now change our course. It is high time that we took our bearings, to determine where we departed from the road laid down by the Constitution and the traditions of individual liberty which it reflects, and to see how far we have wandered from that course. Whether our people were justified in foregoing the rigid individualistic character of our constitutional form of government and submitting so much to a centralized government because of the expediency or alleged expediency of economic depression and threats of war, only history can tell.

I fear we have departed further from our basic principles, and are closer to the welfare state, than most of our citizens realize. On every hand, our people are aligning themselves into factions and pressure groups for the purpose of currying special favor at the hands of government. Political campaigns have been characterized by class appeals to the selfish interests of a class. The farmer, the labor union, the veteran, and certain industries and businesses are seeking protection from the necessity of proving their worth at the market place. The quest for security has replaced the search for opportunity.

The dangers of such a hyphenated Americanism, with loyalties to the welfare of the nation as a whole superseded by the loyalty to the interests of the class or pressure group, are self-evident. Continued demands for government intervention in behalf of one group naturally bring counter demands from the opposing interest group, with the inevitable result of government regulation of the field. It is the philosophy of Marx which is predicated upon class hatred. The statement of Edgard Howard Farrar, a native Louisianian, President of the American Bar Association of 1910 and 1911, is pertinent to this situation. He said, "He that divideth the counsels of his country in the time of her peril is both a coward and a traitor."

The American ideal is that each citizen or group of citizens should seek to invoke the powers of government only in the interests of the country as a whole as he sees them. Not only does the American ideal invoke upon the citizens this restraint, but those of the profession, particularly in legislative halls, should remember what Edmund Burke said when he was seeking election to the House of Commons in 1774.

"Parliament is not a congress of ambassadors from different and hostile interests, but a deliberative assembly of one nation; with one interest, that of the whole."

This is proof of the old adage that fundamentals do not change, and what was true in 1774 is many times truer now not only in the legislative halls of the nation but also of each of the several states, for the organized groups seeking special favor have well nigh taken over.

I am sure it is not necessary for me to develop proof of our headlong flight down the road to a wholly paternalistic government. One of the many convincing facts that leads me to this conclusion is the following. In 1932 the Federal Government collected 28 per cent of all the taxes paid. The State and local governments collected 72 per cent. Federal, state and local governments now collect about one-third of the total national income — more than our people spend annually for food and clothing. And the federal government now collects more than 73 per cent of every dollar that every person pays in taxes in the United States. Seventy-five cents, practically, of every dollar paid in taxes, and this, mind, in a nation whose philosophy of government is that of delegated power, and the reservation in the states of all powers not delegated.

Increasing government control of our business and financial affairs has been accompanied inevitably by a related evil, a government expanding both in size and complexity. The Federal system established in the Constitution preserved the sovereignty of the states and the powers of local government in order to assure to those whose interests are affected by the action of government, the greatest possible share in the operations of that government. The experience of the colonies under the absentee authority of the Crown furnished a solid basis for the founders' fears of the tyranny of centralization. The Federal Government was therefore delegated only those powers which the interests of the country at large required to be exercised on a national scope. But the once-clear lines of authority have yielded again and again in recent years, under the pressure of organized groups seeking special privileges. As a consequence, our people have come to regard the Federal Government not as a group of their representatives, delegated to look after the common interest, but as an agency apart from them.

The extent to which we have departed from the fundamental principles which lie behind our economic and political system should serve to teach us that we are lost if we put our faith only in the writings of the Constitution. That great document will aid us only for so long as it reflects the American spirit. If its principles are to be preserved, it will be because our responsible citizens, the legal profession, have re-dedicated themselves to those principles and have been zealous to practice and to preach them. We must be jealous of our freedom and heed the admonition of William Penn:

"Not to give away anything of liberty . . . but take up the good example of our ancestors, and understand that it is easy to part with or give away great privileges, but hard to regain them if once lost."

We must not surrender our private affairs to the control of government for the sake of temporary advantage, and we must recognize that freedom for ourselves means freedom for our economic rivals as well. We will succeed in preserving the American tradition and principles of individual liberty only if we, as individuals, as citizens, as lawyers, individually and collectively respect and abide by those principles.

We must constantly realize that these obligations are personal unto each of us, that they cannot be fulfilled by proxy and must constantly be uppermost in our minds. You and I must ever keep in mind that expediency is a poor substitute for integrity; that leadership demands constant vigilance and dedication to the principles that underlie our great profession; and that complacency is the forerunner of bondage.

—o—

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A Message From The President

By W. W. Young

This issue contains a resumé of the proceedings of the 1955 annual meeting of the Association.

The 1955 meeting was well attended and a very successful one; it was replete with interesting and instructive programs.

Thomas W. Leigh, our retiring president, deserves much commendation for his successful efforts in making the meeting the success it was, and on behalf of the Association, it is my wish to acknowledge our appreciation to him.

In this note of appreciation should be added thanks to those committees which acted under his supervision for their very fine efforts.

The Board of Governors, at its meeting held June 11, con-Biloxi in 1956, at the Buena Vista, April 29 to May 2, with registration commencing on Sunday, April 29. The meetings will continue until Wednesday afternoon, May 2.

It is the hope of your Board of Governors that the 1956 meeting will also be a successful one, and we trust you will be able to attend.

The Board of Governors again decided to ask the membership to vote for an increase in the membership dues; this is in conformity with a unanimously adopted resolution by the 1956 annual meeting.

The annual membership dues for active members who have been admitted to the practice of law in Louisiana for five years or more shall be \$25.00 and for those who have been admitted to practice for less than five years, \$5.00.

You will shortly receive the material with respect to voting on this important subject.

It is the hope of the Board of Governors, my hope and the hope of many other members who are familiar with the handicaps experienced by lack of necessary funds to carry on really worthwhile programs of the Association's sections and committees for the benefit and welfare of the Bench and Bar, that this proposed increase of dues will become effective.

My assurance to each of you is that your officers and your Board will strive to the utmost to bring about a very successful and fruitful tenure of office.

Report of Louisiana Bar Journal

Robert E. LeCorgne, Jr., Editor

Annual Meeting—Louisiana State Bar Association

Biloxi, Mississippi, May 4, 1955

Disbursements:

Stationery and printing, copyright entries, postage, telephone and telegraph, and other incidentals...	\$ 311.66
Expense for issues of the Journal for April, July, October and January	6,214.94
Salary Business Manager for July, October and January issues at \$100.....	300.00
His commissions advertisements	292.50

\$7,119.10

Less received for advertisements for the four issues	2,719.00
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TOTAL DISBURSEMENTS \$4,400.10

(Advertisements outstanding) \$ 260.00

1954-55 Budget	\$2,900.00
Disbursed	\$4,400.10
Less Ads outstanding.....	260.00 4,140.10

OVER EXPENDED BUDGET..... \$1,240.10

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Report of Committee on Legislation

Pursuant to the provisions of ART. VII, Section 11, of the by-laws of the Association, the President, with the advice and consent of the Board of Governors, on February 24, 1954, appointed the following members of the Association to constitute the Standing Committee on Legislation for the ensuing year; namely,

Felicien Y. Lozes	New Orleans 1st
Frank McLoughlin	New Orleans 1st
Arlice R. Crockett	Algiers 2nd
Henry L. Hammett	New Orleans 2nd
James L. Helm	New Iberia 3rd
James J. Davidson, Jr.	Lafayette 3rd
William F. M. Meadors, Chairman	Homer 4th
Wilburn V. Lunn	Shreveport 4th
George M. Snellings, Jr.	Monroe 5th
Seaborn L. Digby	Monroe 5th
Arthur B. Hammond, Sr.	Baton Rouge 6th
Benjamin W. Miller	Bogalusa 6th
Frank M. Brame	Lake Charles 7th
Joseph E. Bass, Jr.	Lake Charles 7th
Stuart S. Kay	DeRidder 8th
Wilbur T. McCain	Colfax 8th

Recommendation No. 1: The Committee should, in order to be more effective, be appointed as soon as practical, following the Convention, and, at the time of such appointment, be furnished with a resume of the work done by the Committee it succeeds. The Committee appointed February 24, 1954, had no guide posts whatever to follow and only about sixty days' time in which to endeavor to learn what to do and how to go about doing it.

Between the dates February 24, 1954 and May 2, 1954, (the first day of the 1954 Annual Meeting) the Chairman received and replied to numerous letters relative to "rumors" of proposed legislation.

The Committee met, with a quorum present, at Biloxi, Mississippi, May 4, 1954, and on that date was furnished with a copy of the legislation recommended by the Committee on Jurisprudence and Law Reform. The Committee considered the proposed legislation; however, could take no action with respect thereto for the reason that the Committee on Jurispru-

dence and Law Reform had not filed its report to the Association prior to March 15th as provided in the by-laws.

Recommendation No. 2: The Committee on Jurisprudence and Law Reform should be requested to furnish each member of the Committee on Legislation a copy of the legislation it recommends not later than March 15th.

The Committee met with a quorum present in Baton Rouge May 20, 1954, June 2, 1954 and June 8, 1954, for the purpose of considering legislation introduced in the legislature. Previous to the meetings, each member of the Committee, and particularly Mr. Arthur B. Hammond, Sr. of Baton Rouge, were requested to study all bills that had been introduced which might be of concern to the Louisiana State Bar Association. The response to this request was most gratifying. At each meeting the Committee had before it for immediate consideration all bills considered of general interest to the Bar Association. The Committee considered each of such bills and concluded those it would approve, those it would oppose, and those upon which no action would be taken. The legislature was promptly informed of the recommendations of the Committee with respect to bills approved and opposed by it. This was accomplished, primarily, through the promptness and diligence of the Committee's efficient secretary, James J. Davidson, Jr.

The Committee also personally appeared before committees of the legislature and made known its recommendations on certain proposed legislation.

Practically all of the bills approved by the committee were passed by the legislature and all of the bills, timely opposed by the Committee, were not passed. In at least one instance, a bill which had passed but which was opposed by the Committee was vetoed by the Governor who assigned, as one of his reasons for the veto, the Committee's opposition to the bill.

The Committee was assisted in its work by numerous members of the Senate and the House, by the Legislative Committee of the New Orleans Bar Association, by the faculty of the law school of L.S.U., and many members of the Association.

The interest manifested at all times by the Board of Governors, together with the active participation and keen interest of the President, Thomas W. Leigh, in the work of the Committee was most helpful and inspirational to the Committee.

On August 23, 1954, the President, with the advice and consent of the Board of Governors, appointed the following members of the Senate and the House, by the Legislative Committee on Legislation for the ensuing year:

Felicien Y. Lozes.....	New Orleans 1st
Wood Brown.....	New Orleans 1st
Henry L. Hammett.....	New Orleans 2nd
Philip Gensler.....	New Orleans 2nd
James L. Helm.....	New Iberia 3rd
James J. Davidson, Jr.....	Lafayette 3rd
William F. M. Meadors, Chairman.....	Homer 4th
Wilburn V. Lunn.....	Shreveport 4th
George M. Snellings, Jr.....	Monroe 5th
James H. Trousdale, Jr.....	Monroe 5th
Arthur B. Hammond, Sr.....	Baton Rouge 6th
Laurence W. Brooks.....	Baton Rouge 6th
Isom J. Guillory, Jr.....	Eunice 7th
Lewis J. Mayeux.....	Crowley 7th
William E. Skye.....	Alexandria 8th
W. T. McCain.....	Colfax 8th

Between the dates of August 23, 1954, and May 2, 1955 (first day of the 1955 Annual Meeting) the Chairman and Secretary received and replied to numerous letters relating to the Committee's work and legislation. No matters were brought to the Committee's attention which were considered to be of sufficient interest to the bar generally that would justify a meeting of the Committee between dates August 23, 1954 and May 2, 1955.

Pursuant to call by the Chairman, a meeting of the Committee was held in Biloxi, Mississippi, on May 2, 1955, with a quorum present.

At this meeting, the Committee was re-organized by unanimously electing Henry L. Hammett Vice-Chairman, and James J. Davidson, Jr. Secretary, and the following sub-committees:

Sub-committee on Legislation, composed of Arthur B. Hammond, Jr., Laurant W. Brooks and James L. Helin, charged with the duty of promptly studying all bills introduced in the legislature and advising the committee relative thereto.

No proposed legislation recommended by sections and committees of the Association had been submitted to the Committee for its consideration other than the legislation recommended by the Committee on Jurisprudence and Law Reform, set forth in its report to the Association dated March 11, 1955. The Com-

mittee considered the legislation recommended and will be guided by the action taken by the Association with respect thereto.

The minutes of the Committee's meeting, together with pertinent correspondence, will be, by this Committee, delivered to the Chairman of the Committee on Legislation appointed by the President.

Respectfully submitted,

WM. F. M. MEADORS, CHAIRMAN

Committee on Cooperation with the Inter-American Bar Association

As stated in the report rendered to the meeting in 1954, the last Conference held by the Inter-American Bar Association took place in Sao Paulo, Brazil, during March, 1954. Meetings of this Association are held biennially, and its next Conference will be held in Dallas, Texas, the dates therefor being presently fixed as April 15-21, 1956.

Honorable Edouardo J. Couture, of Montevideo, Uruguay, a former President of the Inter-American Bar Association, was a guest lecturer at Tulane University Law School during the spring of this year. It was your Chairman's privilege to entertain Dr. Couture at a dinner during his sojourn in New Orleans, at which, among other guests, were Chief Justice John B. Fournet and Mrs. Fournet, and the President of your Association, Honorable Thomas W. Leigh and Mrs. Leigh.

In view of the fact that the next Conference of the Inter-American Bar Association will be held in the neighboring City of Dallas, Texas, and will be presided over by the Honorable Robert G. Storey, of Dallas, former President of the American Bar Association, it is hoped that as many members of the Louisiana Bar Association as possible will attend this Conference.

Respectfully submitted,

RAY FORRESTER,
CARLOS E. LAZARUS,
ANTONIO E. PAPALE,
BENJAMIN W. YANCEY,
ELDON S. LAZARUS, CHAIRMAN

Report of Committee on Obituaries

Your Committee on Obituaries regretfully reports that the following members of the Louisiana State Bar Association have died since the last annual meeting of the Association, held in Eiloxi, on May 5, 1954.

MEMBERS OF THE JUDICIARY

Jewell Arthur Sperling
New Orleans
Judge, Municipal Court
Died, July 30, 1954

Denis Joseph Hyams
Natchitoches
Late Judge, City Court
Died, October 7, 1954

MEMBER OF THE BAR

Jeptha Valentine Brock
Franklinton
Died, May 4, 1954

Grover C. Vidrine
Oakdale
Died, July 24, 1954

Elmer Lamont Stewart
DeRidder
Died, May 7, 1954

Joseph Eugene Ransdell
Lake Providence
Died, July 27, 1954

Francis Peyton Tucker
Ruston
Died, June 5, 1954

Archibald Magill Suthon
New Orleans
Died, August 6, 1954

Osceola H. Carter
Franklinton
Died, June 13, 1954

Warren O. Coleman
New Orleans
Died, August 7, 1954

Charles Addison Riddle, Sr.
Marksville
Died, July 21, 1954

Rolf Inge Seeberg
New Orleans
Died, August 11, 1954

John Roger Jones
Baton Rouge
Died, June 25, 1954

Thomas Joseph Tomeny, Sr.
Alexandria
Died, August 23, 1954

Henry Paul Viering
Gretna
Died, July 1, 1954

Walker Brainerd Spencer, Jr.
New Orleans
Died, September 1, 1954

Ralph Smith Thornton
Alexandria
Died, July 7, 1954

Henry Garfield Bloch
New Orleans
Died, September 2, 1954

William N. Fauver
Baton Rouge
Died, July 8, 1954

John Bennett Files
Shreveport
Died, September 17, 1954

Frank Macheca
New Orleans
Died, July 15, 1954

Gustave Peter Joseph Blancand
New Orleans
Died, October, 1954

Robert Lee Hilton Sandoz
New Orleans
Died, July 16, 1954

Edmond F. deBaroncelli
New Orleans
Died, October 4, 1954

Louis Randolph Hoover
New Orleans
Died, November 1, 1954

Aubert Leon Talbot
Napoleonville
Died, February 20, 1955

William Cantzon Orchard
New Orleans
Died, November 9, 1954

Robert Lee Tullis
Baton Rouge
Died, February 26, 1955

Louis L. Rosen
New Orleans
Died, November 25, 1954

William Arthur Gregory, Jr.
Griffin, Georgia
Died, March 6, 1955

Hugh Aiken Bayne
New Orleans—
New Haven, Conn.
Died, December 24, 1954

Dudley L. Weber
Baton Rouge
Died, March 26, 1955

Alexander Erwin Ralston, Jr.
New Orleans
Died, January 16, 1955

Watts Kearney Leverich
New Orleans
Died, April 3, 1955

Henry Grady Price
New Orleans
Died, April 21, 1955

James Scallen Gautreaux
New Orleans
Died, April 16, 1955

Judson Marion Grimmet
Shreveport
Died, April 27, 1955

Respectfully submitted,

COMMITTEE ON OBITUARIES

John T. Campbell, Chairman

Committee on Public Relations

The following persons have served as members of the Public Relations Committee during the 1954-55 year:

Charles Kohlmeyer, Jr., New Orleans, La.;
J. Barnwell Phelps, New Orleans, La.;
Claude B. Duval, Houma, La.;
Clarence L. Yancey, Shreveport, La.;
Louis D. Smith, Monroe, La.;
Henry A. Mentz, Jr., Hammond, La.;
Richard A. Anderson, Lake Charles, La.;
Howard B. Gist, Jr., Alexandria, La.;
Richard C. Cadwallader, Baton Rouge, La., Chairman.

The Committee held four meetings during the year. Considerable business was transacted by the Committee.

The following cover the principal activities of the Committee during the year:

1. An agreement was worked out with Mr. George J. Ginsberg, Chairman, Committee on American Citizenship of the Louisiana Bar Association, whereby the Committee agreed to assume the responsibility for maintaining the Speakers Program in the High Schools in the State of Louisiana which had formerly been handled by the Public Relations Committee. It was felt that this would permit the Citizenship Committee to implement the citizenship program in the high schools particularly if the program was extended to the elementary schools of the State. This recommendation was approved by the Board of Governors of the Louisiana State Bar Association and by both committees.

2. The Public Relations Committee and the American Citizenship Committee jointly recommended to the Board of Governors of the Louisiana State Bar Association that the high school citizenship awards program which was instituted during the 1953-54 operational year be discontinued for the reason that the award programs by the American Legion and other organizations completely covered the need for this kind of program in the high schools.

3. The Public Relations Committee recommended to the editors of the *Louisiana Bar Journal* that it should be utilized as far as possible as a public relations media of the Louisiana State Bar Association. The Public Relations Committee suggested a very great effort should be made to include enough of

local and State Bar Association activity in the Bar Journal, and that if possible the meetings and proceedings of the various sections and committees of the Louisiana State Bar Association and meetings and activities of the local Bar Association Committees throughout the State should likewise be included. It was felt that this would create more effective bar organizations and implement the effectiveness of the public relations program.

4. The Public Relations Committee assisted with the program and arrangements for the Fourth Annual Mid-Winter Conference of the Louisiana State Bar Association held at Shreveport, Louisiana, January 28th and 29th, 1955, with the Shreveport Bar Association as hosts. The Section of Local Bar Organizations, the Section of Insurance, the Section of Taxes, the Committee on Legal Institutions and the Junior Bar Section joined with the Public Relations Committee in sponsoring the program for the Fourth Mid-Winter Conference of the Louisiana State Bar Association. It was the opinion of all who attended that this was the most successful Mid-Winter Conference that has ever been held and those in attendance recommend unanimously that the Mid-Winter Conferences should continue to be held and should be attended.

5. The Chairman of the Public Relations Committee and Howard Gist, Jr., member of the Public Relations Committee, had a meeting with representatives of the Louisiana Bankers Association in the offices of the Rapides Bank & Trust Company, Alexandria, Louisiana, on Wednesday, September 27, 1954 for the purpose of working out arrangements for a cooperative program between the Louisiana State Bar Association and the Louisiana Bankers Association whereby pamphlets to be prepared by the Louisiana State Bar Association would be prepared and be made available for purchase by the Bankers throughout Louisiana for distribution in their monthly bank statements and otherwise. Mr. Paul Tate, Chairman of the Junior Bar Section, and Mr. Jacques Pucheu, Chairman of the Public Relations Committee of the Junior Bar Section, met with the Public Relations Committee and accepted the responsibility for preparing 12 pamphlets to be used in this cooperative program with the Louisiana Bankers Association.

6. The Committee issued 5000 copies of a Speakers Service Folder which was distributed to civic groups, veterans' organiza-

tions, labor organizations, school officers, and persons in other organizations throughout the state, advising them that the Louisiana State Bar Association was willing to assist in making arrangements for providing speakers to address patriotic, civic and other organizations on legal questions as a public service.

7. The Committee arranged for a letter to go out from the Headquarters of the Louisiana State Bar Association to all local district court judges and other bar associations suggesting that appropriate ceremonies be arranged for the opening of district courts throughout the state. This program has been followed now each year for a number of years and is meeting with increased success. A larger number of courts than ever before are participating in the program and the publicity from the program and the success of the ceremonies for the opening of court is increasing.

8. The Public Relations Committee recommended to the Board of Governors that when finances permitted, the Louisiana State Bar Association should issue an Annual Directory of Members of the Louisiana Bar Association containing also a list of the officers and members of each of the committees of the State Bar Association, the names of all state and federal judges in the state, city court judges, clerks of court, and court reporters. It was felt that this directory should also include a list of the names and addresses of the current officers of each of the local bar associations in the state of Louisiana and each of the district attorneys and assistant district attorneys in the state together with the constitution and by-laws of the Louisiana State Bar Association and any rulings and interpretations of the Canons of Professional Ethics issued by the Committee on Professional Ethics and Grievances of the Louisiana State Bar Association.

9. The Committee considered the possibility of arranging to have a Louisiana State Bar Association wall plaque and automobile emblem. After considerable thought, the Committee recommended to the Board of Governors that no action of this kind be taken at this time.

10. The Committee has made arrangements with the Florida Bar Association to secure copies of the Public Service Activities Handbook for Banks and Trust Companies which was issued in Florida to be prepared and distributed to all banks and trust companies in the State of Louisiana as a public service.

11. The Committee made arrangements with the Colorado Bar Association to purchase its 13-week radio series, "This Is America" for use by radio stations in Louisiana through the sponsorship of Louisiana State Bar Association and the local bar association in the community. This program has recently been placed in operation and has met with splendid response from the radio stations and local bar associations in the state, and it is anticipated that approximately 25 radio stations in the State of Louisiana will use this series.

12. The Committee has continued the distribution of the four folders which it has heretofore prepared and issued under the titles:

"Do I Need a Will?"

"You and Your Lawyer."

"So You're Going To Be A Witness!"

"Sound Steps in Buying a Home."

13. The Committee arranged for the printing and issuing of a new public relations folder for members of the Bar entitled, "In This Case Your Client Is the Judge," which contains a law office rating chart. It is anticipated that in the near future the Headquarters of the Louisiana State Bar Association will arrange for copies of these five pamphlets to be distributed to every member of the Louisiana State Bar Association by direct mail.

14. The Public Relations Committee sponsored the presentation and issuance of a directory listing the names and addresses of all local Bar Associations in the State of Louisiana.

15. The Committee cooperated in the holding of the "Red Mass" at St. Louis Cathedral in the Fall of the year and urges all members of the Association to cooperate in this activity since it constitutes splendid public relations for the Louisiana State Bar Association.

16. The Committee cooperated with the Department of Justice in securing the cooperation of state and local Bar Associations in presenting suitable immigration and naturalization ceremonies in each of the United States District Courts in the State of Louisiana on November 11, 1954, Veterans Day.

17. The Committee recommended to the Board of Governors that the Louisiana State Bar Association, through its Public

Relations Committee, institute and maintain a periodic newsletter to all members of the Louisiana State Bar Association containing information as to current decisions of the Supreme Court and Court of Appeals of the State of Louisiana and other pertinent information of vital interest to attorneys throughout the State of Louisiana. The Board of Governors has not been able to institute such a program due to the shortage of funds.

18. Primary arrangements have been made by the Public Relations Committee with the Lafayette Bar Association to act as hosts for the Fifth Annual Mid-Winter Conference of the Louisiana State Bar Association to be held at Lafayette, Louisiana.

19. The Committee has cooperated with Don Hyndman, Director of Public Relations of the American Bar Association, and the Committee of Public Relations of the American Bar Association and numerous public relations committees of other state and local bar associations and local bar associations in Louisiana in the dissemination of public relations information.

20. The Committee has encouraged and requested local bar associations throughout the state to create Standing Committees on Public Relations as part of their local bar organization, and is happy to report that in Crowley, Natchitoches, Shreveport, Alexandria, New Orleans, Baton Rouge, and a number of other Bars, effective public relations committees and programs have been instituted.

21. The Committee arranged to receive from the American Bar Association copies of the "Summary of the 1954 Award of Merit Competition of the A.B.A." and these were distributed to Bar Association Officials throughout Louisiana.

22. The Committee made recommendations for awards to Freedom's Foundation, Valley Forge, Pennsylvania of a number of addresses delivered by Louisiana judge and lawyers.

23. The Committee cooperated with Mr. David H. Swarts of the Lee Howard Advertising Company, Number 1 Lincoln Road Building, Miami Beach, Florida, in contacting banks throughout Louisiana for the purpose of encouraging them to purchase for exhibit the exhibition material entitled "A Tribute to the American Lawyer." Through the efforts of the Committee a number of banks have purchased this exhibit material and we feel that more will do so during the coming year with attendant benefits by secondary distribution in the schools.

The Committee desires to recommend to the Louisiana State Bar Association as follows:

1. That dues increase be provided so as to furnish a minimum of \$5000 per year to the Public Relations program of the Louisiana State Bar Association.

2. That authority be given to the Public Relations Committee to employ an individual part-time to handle the details of the Public Relations Program insofar as they relate to contact with the newspapers of the state and radio and TV stations and other public relations programs. The volume of work is too heavy to be successfully accomplished on a voluntary basis by members of the committee.

3. The Louisiana State Bar Association should exert every effort to provide records or tape recordings of radio series programs to the radio stations throughout the State of Louisiana who are willing and eager to use good programs of this type as part of their public service endeavors.

4. The Association should by all means try and make arrangements for obtaining a regular Louisiana State Bar Association TV Program for use by TV Stations in Louisiana as part of the public services function.

5. One of the most pressing needs of the public relations program of the Louisiana State Bar Association is to adopt and institute a regular weekly news release to each newspaper and radio station in the State of Louisiana similar to that being used by the Minnesota Bar Association and many other state bar associations throughout the United States. For the money involved, it is the most effective public relations media available to the Louisiana State Bar Association.

6. The Board of Governors needs to adopt a statement of policy clarifying the difference between individual advertising by a lawyer which constitutes a violation of the Canon of Ethics and group action in the field of public relations by local associations and by the Louisiana State Bar Association on behalf of the bar and judiciary as a whole.

7. As part of the public relations program of the Louisiana State Bar Association, the Board of Governors should be prompt and aggressive in answering unjust slurs and criticisms of lawyers, judges, courts, and the Bar. If the criticism is valid,

then the Board of Governors of the Louisiana State Bar Association should take prompt steps to rectify the basis for the criticism.

8. Emphasis should be given by the Louisiana State Bar Association to the implementation and enforcement of the Canons of Professional Ethics, and work to prevent the unauthorized practice of the law since these constitute the largest hurdles to an honorable profession and hence good public relations. As part of the same problem the Board of Governors needs to devote careful attention to qualification and admission of attorneys to the Bar and their educational background and character, since in the final analysis it is the integrity, responsibility, character and ability of the individual attorney that shapes the opinion of the public as to the Bar as a whole.

Respectfully submitted,

COMMITTEE ON PUBLIC RELATIONS,
LOUISIANA STATE BAR ASSOCIATION

By Richard C. Cadwallader, Chairman

—o—

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MEMBER OF
FEDERAL DEPOSIT INSURANCE CORPORATION AND FEDERAL RESERVE BANK

Committee on Jurisprudence And Law Reform

Pursuant to Paragraph 3 of Section 1 of Article VII of the By-Laws of the Louisiana State Bar Association, I wish to submit herewith the report of the Committee on Jurisprudence and Law Reform.

Your Committee is of the opinion that the following proposals are entitled to the favorable consideration of the Association.

No. 1. A proposal that our laws be amended so as to provide that the period in which litigants may appeal devolutively from judgments of our District Courts be shortened from the present period of one year to a period of six months. For the proposal: 7 votes; against the proposal: 1 vote.

Although there was a difference of opinion as to the amount this period should be shortened, all members of the Committee except one, Mr. W. M. Shaw, favored shortening the period. It was felt by this majority that such a long period elapsing before the judgment of our District Court becomes final works a definite hardship in many instances and serves no useful purpose. It was felt that any litigant should know in a shorter period than one year whether he is dissatisfied with the judgment of the trial court and wants to appeal. Mr. Shaw favored in lieu of shortening the period that one desiring to appeal should file a notice of his intention to appeal within thirty days, and if he didn't file such notice the judgment would become final. However, the majority felt that this would result in the notice being filed in practically all cases as a matter of practice and the litigant would still have to wait a year.

No. 2. A proposal that Section 47:2420 L.R.S. dealing with interest rates and penalties on delinquent taxes be amended to provide a lower rate. For the proposal: 8 votes; against the proposal: None.

No. 3. A proposal that Courts, in their discretion, be granted the authority to assess reasonable attorney's fees in alimony rules and contempt proceedings for failure to pay alimony where children are involved, against the father of said children. For the proposal: 8 votes; against the proposal: None.

No. 4. A proposal that Article 1487 of the Revised Civil Code be amended so as to include a wife among those to whom the husband may bequeath property. The law as it now reads leaves some doubt as to the right of the father who has natural children and not forced heirs to bequeath anything to the wife since she would not be probably classified as a "legitimate relation." For the proposal: 8 votes; against the proposal: None.

No. 5. A proposal that a Uniform Estate Apportionment Statute for Louisiana, patterned after the New Jersey Statute, be adopted (i. e. a statute which, in the absence of direction by the testator, requires all distributees and legatees to bear their apportionment of estate taxes). For the proposal: 6 votes; against the proposal: 2 votes.

The Committee felt that an apportionment statute would be fair and equitable, but was concerned with its operation in certain instances. They were particularly desirous that the proposed bill specify:

- a. The proportionate part of the total estate tax that should be borne does not comprise a part of the corpus of the estate for inheritance tax purposes.
- b. Some safeguard to insure that the entire proceeds of the insurance policy should not be paid to the beneficiary until the estate tax was computed.
- c. Some provision which would guard against funds being tied up indefinitely pending payment of estate tax.

No. 6. A proposal to replace the present system of a single Conservation Commissioner with a Commissioner to be elected from five districts over the State. For the proposal: 6 votes; against the proposal: 2 votes.

Those voting against this proposal felt that Louisiana has done well in the past with the system of a single Commissioner, and that it would be risky to change over to another "board". However, the majority was impressed by the fact that practically all the other oil-producing states have Commissions ranging from three to seven members. The majority felt that further consideration should be given to the matter to determine whether it was necessary to set up five Commission Districts

as proposed, when possibly three Commissioners whose jurisdiction would coincide with the three Public Service Commission Districts would perhaps suffice.

No. 7. A proposal for an amendment of Art. 7, Section 20 of the Louisiana Constitution to provide a redistricting of the Second Circuit Court of Appeals, whereby the parishes in the various districts would be rearranged to provide equalization of population and case-load and geographical proximity. For the proposal: 8 votes; against the proposal: None.

No. 8. A proposal that legislation be enacted requiring that law enforcement officers of all municipalities be bonded so that third parties injured by the wanton and willful acts of said officer may have some redress. For the proposal: 8 votes; against the proposal: None.

No. 9. A proposal to amend Article 12, Section 7, paragraph 3, of the Articles of Incorporation of the Louisiana State Bar Association so as to require any and all candidates for admission to the bar to successfully pass a bar examination. For the proposal: 7 votes; against the proposal: One.

The dissenting vote on this issue was cast by Mr. Ainsworth, who felt that the situation as it exists now, where bona fide graduates of Louisiana law schools may be admitted, should be retained.

No. 10. A proposal that admission to practice law in Louisiana, disciplinary action for improper or unethical conduct by lawyers, disbarment of lawyers, and readmission of disbarred or suspended lawyers be governed exclusively by the Louisiana State Bar Association, subject only to right of appeal to the Louisiana Supreme Court. For the proposal: 7 votes; against the proposal: One.

Respectfully submitted,

John C. Burden, Jr., Chairman
Committee on Jurisprudence and
Law Reform

Report of the Secretary-Treasurer

Robert E. LeCorgne, Jr., New Orleans

Biloxi, Mississippi, May 4, 1955

To the Members of the

Louisiana State Bar Association

Your Secretary-Treasurer respectfully reports:

MEMBERSHIP:

The membership of the Association as of May 4, 1955 is.. 3,526

Made up as follows:

Members of the Judiciary.....	123
of which number 34 City and Municipal Court Judges are also on the active mem- bership rolls and pay dues.	

Active members—not including the 34—of which number 158 are in the Armed Forces and 14 are aged; these latter two groups do not pay dues.....	3,398
--	-------

Faculty Members	5
	<hr/>
	3,526
	<hr/>

Admissions to practice during 1954-1955, with- out examination by the Committee on Bar Admissions, under amendment by Supreme Court of Louisiana of June 2, 1953.....	125
Examined by Committee	8
	<hr/>
	133
	<hr/>

Deaths since last annual meeting.....	35
	<hr/>

*Your financial statement for the fiscal year ending March 31,
1955, is as follows:*

RECEIPTS:

Reserve Account:

Balance March 31, 1954..... \$ 97.57

General Account:

Balance March 31, 1954..... \$38,656.39

Dues 1952-1953 ...\$ 20.00

**Dues 1954-1955 ... 11,233.00

Dues 1955-1956 ... 11,770.50

Dues 1956-1957 ... 89.00

Dues 1957-1958 ... 16.00

Dues 1958-1959 ... 2.00

————— \$23,130.50

Penalties, nonpayment of dues 65.00

Admission to the

Bar Fees\$ 1,260.00

Examination Fees . 500.00

————— \$ 1,760.00

Interest on War Bonds..... 110.00

————— \$25,065.50

TOTAL RECEIPTS, General Account.... \$63,721.89

Special 1955 Annual Meeting Account.....\$ 722.30

**Dues 1954-1955 collected previous to April 1, 1954.....\$16,983.00

Dues 1954-1955 collected after April 1, 1954.....\$11,233.00

————— \$28,216.00

DISBURSEMENTS:

General Account:

Salary Assistant Sec-

retary, Ass'n\$4,598.40

Income Tax withheld

and remitted 801.60

————— \$5,400.00

Stenographic & cler-

ical assistants (2) . \$4,795.20

Income tax withheld

and remitted 904.80

————— \$5,700.00

————— \$11,100.00

Annual Meeting 1954 (Expended previous to March 31, 1954 \$609.52)	1,333.56
Annual Meeting 1955	412.41
Audit	300.00
Banks' Service Charge	11.33
Inter-American Bar Ass'n membership...	100.00
Board of Governors, attending meetings..	1,250.01
Committee on Bar Admissions—including \$600 salary Assistant Secretary	1,097.93
Legal Institutes Committee	9.85
Section Trust Estates, etc.	27.75
Section Mineral Law	147.78
Section of Insurance	38.32
Section of Taxation	38.32
Section of Junior Bar	384.14
Section of Criminal Law	68.05
Section of Labor Relations	200.00
Section of Local Bar Organizations.....	33.10
Section of Judicial Administration	8.50
Committee on Public Relations	1,219.67
Premium Bond Secretary-Treasurer	12.50
Louisiana Formulary	135.10
(The Association received \$308.86 royalties on the publication Louisiana Formulary, which amount, on approval of the Board of Governors, was paid over to Ralph N. Jackson, Research Assistant, as an extra compensation.)	

Expense of Committees:

Jurisprudence and Law Reform.\$	238.17
Legislation	373.20
Unauthorized Practice of Law..	2.35
Legal Education and Admission to the Bar	1.32
American Citizenship	62.27
<hr/>	
Total Committees' Expense.....	\$ 677.31
Louisiana Bar Journal	4,400.10
Electricity (Godchaux Bldg.)	10.51
Rent: Godchaux Building	\$ 870.00
International Building ..	1,650.96
<hr/>	
	2,520.96

Office Supplies and Incidentals.....	1,074.40
Postage—General	
1954-1955 (Expended previous	
to March 31, 1954, \$123.41) .	277.32
1955-1956	126.94
	<hr/>
	404.26
Stationery and Printing—General	
1954-1955 (Expended previous	
to March 31, 1954, \$90.08) ..	440.60
1955-1956	108.04
	<hr/>
	548.64
Telephones, Office	234.17
Telephone & Telegraph—General	231.95
Nominations and Nominating Committee.	535.94
President's Expense	392.16
Exchange on Checks	2.97
Memorial Exercises	350.91
Moving Expense, New Offices, Equipment	2,885.02
Refund 1953-1954 Dues Armed Forces....	3.00
Constitutional Convention Committee....	1,501.97
Sheffield Matter	78.58
Expense President Montgomery and Sec-	
retary-Treasurer LeCorgne, attending	
Southern Regional Meeting, Atlanta...	318.71
Expense Secty.-Treas. LeCorgne attending	
American Bar Meeting	254.84
Proposed Increase of Dues	783.57
Advanced to Committee on Professional	
Ethics and Grievances	500.00
Red Mass	312.24
Luncheon—Judiciary	553.58
Sesquicentennial Celebration Code Napo-	
leon	116.70
Induction Justice James D. Simon.....	383.35
Testimonial to Justice Sam A. LeBlanc...	447.68
Fourth Conference Local Bar Associations	774.61
	<hr/>
Total Disbursements General A/C...	\$38,226.45

Balance in Banks, March 31, 1955:

General Account	\$25,495.44
Reserve Account	97.57
1954 Annual Meeting Special A/C (Cr. '55	
Annual Meeting A/C)	722.30

Balances in Banks March 31, 1955...	\$26,315.31
-------------------------------------	-------------

United States War Bonds	4,400.00
Petty Cash	15.00

Banks' Balances:

National American	\$ 8,788.28
Whitney	7,708.35
Hibernia	9,819.02

\$26,315.65

*Entertainment fees received for the 1955 Annual Meeting
not included in the above statement.*

— O —

"TIME IS OF THE ESSENCE"

While this is an important principle in certain types of contractual cases, this phrase may be of extreme importance to the lawyer in his every day practice, i. e., in the preparation and printing of a brief.

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Budget Committee

At the beginning of the fiscal year, the Budget Committee, in co-operation with the assistant secretary, approved, and the Board of Governors adopted, a budget of expenditures just within the anticipated income of the Association, which was estimated at approximately \$31,000. As the fiscal year progressed, however, it developed that anticipated income would fall short of estimates by some \$800 and that additional expenditures were required which necessitated upward revisions from time to time in our budget of anticipated expenses.

As a result of this situation, the actual expenditures for the fiscal year again exceeded, for the second year in a row, the actual receipts; this time by slightly over \$8,000. The report of the secretary-treasurer will include a detailed account of receipts and disbursements, but it may be mentioned here that substantially half of this deficit resulted from the cost of moving from the Godchaux Building to the Association's new offices in the International Building, and to the purchase of new equipment and the renovation of existing furnishings, together with the increased rental over what was being paid in the Godchaux Building. Another \$1500 represented the additional cost of the Bar Journal, and approximately \$750 represented the amount expended by the State Association in connection with the Fourth Annual Conference of Local Bar Organizations which was held in Shreveport the latter part of January. The remainder resulted from the increased printing, postage, mailing, and travel charges attendant upon unanticipated activities such as the holding of the referendum with regard to the proposed increase in dues, the sponsorship of appropriate ceremonies honoring Justice LeBlanc upon the occasion of his retirement and Justice Simon upon the occasion of his induction into office, and similar activities.

In concluding this report, the Committee feels that it is its duty to point out that with the fixed expenses which must be taken care of from year to year, it is not possible for your Association to carry on an active program and to encourage the various sections and committees to develop their potentialities for service on the amount of income which is currently being derived from our present annual dues. We cannot continue much longer to draw upon the surplus which was built up when

both the expenses and the activities of your Association were less than they are today; and unless the annual income of our Association is augmented by an increase in our annual dues, which we alone are authorized to assess, then future administrations will be forced to stifle their ambitions and aspirations for enlarging the scope of your Association's activities and increasing its value to its membership.

Respectfully submitted,

W. W. Young,

Vice-President, Ex-officio

R. E. LeCorgne, Jr.,

Secretary-Treasurer, Ex-officio

R. B. Montgomery, Jr.,

Retiring President, Advisory Member.

—o—

Constitutional Convention Committee

The members of the Constitutional Convention Committee submit the following report of activities and recommendations:

1. The call for a Constitutional Convention, as drafted by this committee, was submitted to the 1954 Regular Session of the Legislature, and, after being introduced in the form of a bill, was overwhelmingly defeated.

2. In view of the failure to procure approval of the present Legislature, lack of support by the present state administration, or any other organized backing, the committee of necessity recognized the fact that action supporting and effecting the calling of a Constitutional Convention must be postponed to some future date.

3. This committee is of the opinion that favorable action by some future session of the Legislature can and will be assured only after a well-organized and systematic campaign of education and publicity convinces the people of the state of the necessity for constitutional revision and enlists their support to this end. This program obviously necessitates the expenditure of a substantial sum of money to cover the bare expenses of such an effort, and the present financial condition of the State Bar Association does not warrant such expenditure. It follows that, until and unless sufficient funds can be made available either from outside sources or by reason of an increase in membership dues, the organization of a program of this nature must be postponed.

4. This committee again emphasizes its belief that there is little opposition to the convention proposal arising from the people, but, unquestionably, there is tremendous opposition from certain individuals as well as organized groups who are fearful of losing some benefits and privileges which they presently enjoy.

5. The committee makes the following general recommendations:

(a) That the incoming officers of the Association exert every effort to develop ways and means for the promotion and conduct of a campaign for public education as to the need for constitutional revision.

(b) That the members of the Association use their influence to elect those candidates for public office, otherwise well qualified, who are favorable to the holding of a constitutional convention.

Respectfully submitted,

George W. Hardy, Jr.,
Chairman,
T. E. Stagg, Jr.,
Secretary.

Louisiana Supreme Court Building Committee

Your Supreme Court Building Committee, in making this report, feels that it is able to give assurance that such progress has been made this past year through the united efforts of all of those who have been concerned with this project as to indicate the probability that when the Association meets in Convention in 1956, the new, modern, imposing and adequate Supreme Court Building will have been practically completed, and when equipped and furnished, will be ready for occupancy and use.

There has been a fine, earnest and full cooperation and unity of purpose in all the work that has been done between the Supreme Court, acting through Chief Justice Fournet, the State Building Authority, the City of New Orleans acting through Mayor Morrison, President Leigh of the Association, a fine group of architects who had been selected by the State Building Authority and the members of our Committee, all of whom have

given much of their time, thought and study in the effort to reach the best and final agreement on location, type, style, costs and adequacy of the new building.

Without burdening you with any details of the problems involved and the reconciliation of the many fine but sometimes conflicting suggestions and ideas made and advanced, you may be advised that we did come into general agreement on the more important requirements and now report as follows:

The building will be located on what is considered a choice site in the new Civic Center in New Orleans and will front on Duncan Boulevard close and accessible to the business, office building and hotel district of the city. The Plat Plan of the new Civic Center which is on display at this Convention will show its exact and favorable location.

The building will be a distinct and separate structure of its own. It will adjoin at an angle but not connected, with the new State Office Building to be erected in the Civic Center with a covered walkway between the two. The general building program for the Civic Center includes a new City Hall, now under construction, the State Office Building and a future City Library Building now being planned. Although each building is to be apart and separate, it will be possible to enter the new City Hall at the Council Chamber and walk under cover all the way to the Supreme Court Building on the other side of the Civic Center.

Our building will be an imposing full two-story and basement structure, the exterior to be of marble and glass, the interior to be finished in marble and wood and is designed to generally harmonize with the other buildings to be erected in the Civic Center. It will have 50,000 square feet of floor space and is planned for year-round air-conditioning, adequate heating and with modern elevators. A perspective of the building placed on display at this Convention will show it to be a handsome, imposing and dignified structure.

The first floor, with a splendid entrance and lobby, is essentially the "Library Floor," and will be adequate in every respect to house the State Law Library which will be brought over from the present Court Building. It will contain modern stacks and there will be reading rooms, work-rooms, lounges and offices for the librarians.

The first floor will also have offices and adequate accommodations for the Louisiana State Bar Association, the Judicial

Council, the Attorney General and a small dining room, kitchen and lounges.

The second floor will have the Court Room and Judges' Conference Room. Surrounding these rooms will be separate offices for each of the judges with an additional office for an extra or visiting judge. Each of these offices will have a reception room and room for the clerk of each judge and with lavatory facilities. This floor will also provide a room for the lawyers, a coffee room, lounges and an adequate office for the clerk of the court. This floor was designed largely from suggestions made by the Chief Justice and meets with full approval of all of those who were consulted and made any contributions to its lay-out. It will give adequate, comfortable and imposing quarters for the Supreme Court of Louisiana.

The basement will have ample storage facilities for the safe and convenient storage of books, records and documents and for the necessary machinery required in a building of this kind.

The sum of \$1,600,000 is set aside and is now available for the construction of the building. Additional funds will be needed for furniture and furnishings and this is a legislative project for later consideration and action. We are presently concerned with completing the building itself.

The State Building Authority has been most receptive and responsive to our needs and requirements. They have been very liberal in making available the necessary funds for an adequate and splendid building, even though the costs will exceed the amount originally intended to be allowed. We are very appreciative of the interest, assistance and support of the whole membership of the Authority and we owe and now give special acknowledgment to the particular efforts and help on our behalf given by Senator Charles Tooke, Speaker Clarence C. Aycock and Charles Wilbur Lunn, the subcommittee of the Authority assigned to our project.

The State Building Authority has directed the architects to immediately proceed to complete the details of the plans and specifications, and we are advised that they should be in final form about August 1, and as soon as finally approved, will be submitted for bids. If the contract is promptly awarded, the building should be completed within nine months thereafter, and if nothing unforeseen occurs, the new Supreme Court Building should be completed about May 1, 1956, and when equipped

and furnished, should be ready for occupancy and use during the late summer of next year (1956).

There is still much to be done, but we think that this report will show substantial progress on this important project that after these many years should be most heartening to the Bench and Bar of our State.

We have been fortunate in having had the fine services and co-operation of three splendid architectural firms who were entrusted with the duty and responsibility of planning and designing our building. Our Committee would like to acknowledge in this report the excellent results of their careful and diligent study of the needs and requirements for a new Supreme Court Building for the State of Louisiana and to commend to the Association the work of our architects: August Perez, Jr., and Associates; Goldstein, Parham & Labouisse, and Favrot, Reed, Mathes and Bergman, Associated Architects.

Respectfully submitted,
LOUISIANA STATE BAR ASSOCIATION
SUPREME COURT BUILDING COMMITTEE
H. PAYNE BREAZEALE, Chairman.

Louisiana Formulary Committee

Your Committee on the Louisiana Formulary submits the following report:

No printed material has been added to the Formulary during the past year. The Committee has completed the pretrial, discovery and deposition forms and has forwarded them to the Bobbs-Merrill Company for printing.

The Committee, with the energetic assistance of Mr. Benjamin Washastrom of the New Orleans Bar, has accumulated a large number of forms which will be used to complete several new sections of the Formulary. These will be ready for mimeographing and circulation among members of the Committee in the immediate future. The assistance given by Mr. Washastrom has been considerable and the members of the Committee are deeply grateful to him for the time and labor he has devoted to the work.

Mr. Ralph N. Jackson, the Committee's Editorial Assistant, has compiled a list of corrections of omissions and errors in the Formulary as presently printed. It will be appreciated if the members of the Association will forward to Mr. Jackson

(whose address is Whitney Building, New Orleans 12, Louisiana) a list of needed corrections in the case of omissions and errors which have come to their attention. The Committee plans to ask the Publisher to issue new pages containing proper corrections.

Respectfully submitted,
SUMTER D. MARKS, JR.,
Chairman

Committee on Legal Institutes

Specialization in every field of endeavor is rapidly becoming essential to any degree of success in that particular field. The tendency toward specialization in industry and in the professions is a matter which confronts the judiciary and the lawyer engaged in active practice with increasing frequency. It becomes more and more difficult to administer and apply the law in many areas which define and administer the rights and obligations of those who specialize as learning and practice become more and more specialized in such particular fields. Although lawyers, as a group, might conscientiously resist the urge toward specializing in any one or more areas of practice, individual lawyers are finding that certain lawyers do, of necessity, specialize with the corresponding need for special knowledge, experience and training to deal with the many problems which arise before the courts and in the ordinary course of any private practice. All lawyers today must apparently, to some small extent, be engaged in specialization, and regardless of the field of interest toward which the attorney may turn, the need for continuing professional study becomes more and more urgent each year.

The Committee on Legal Institutes has been vitally aware of its responsibility to attempt to provide for the judges and lawyers of this State a program of professional study which would adequately meet the ever increasing need for further legal education among members of the bar and the increasing demand for professional information along specific specialized lines. Although seriously handicapped by lack of sufficient funds with which to plan and carry out a program, the Committee undertook to provide the judiciary and the members of the bar with speakers and topics of substance to the extent to which this was possible.

At the Fourth Annual Law Conference of the local Bar Associations held at Shreveport on January 28th and 29th, the Committee presented Mr. Josh H. Groce of the Dallas, Texas Bar in a discussion of pre-trial discovery devices under the Federal Rules of Civil Procedure. The discussion of these problems by Mr. Groce was well received by members of the Bar.

In conjunction with the Insurance Section of the Louisiana State Bar Association, the Committee on Legal Institutes has presented discussions and demonstrations on preparation for trial in a civil action from the plaintiff's viewpoint and from the viewpoint of the defendant. John R. McConnell of the Philadelphia Bar discussed the subject of preparation for trial in a civil action from the defendant's standpoint, and Wilfred R. Lorry, also of the Philadelphia Bar, presented the topic from the plaintiff's viewpoint.

Efforts have been made by the Committee to sponsor a clinic on trial technique in New Orleans with the cooperation of the New Orleans Bar Association. Arrangements were tentatively made with Mr. Irving Goldstein of the Chicago Bar to present such a program. However, because of Mr. Goldstein's schedule, the lack of sufficient funds, and other difficulties it was not possible to present the clinic before the spring meeting of the Bar Association.

The Committee wishes to acknowledge with deep appreciation the outstanding work done by Mr. David Normann of the New Orleans Bar as a member of the Committee with particular reference to the handling of all arrangements for the appearance of Mr. Groce at the Fourth Annual Law Conference in Shreveport, and the outstanding work of Mr. M. J. Molony, Secretary of the Committee on Legal Institutes, who has handled all of the correspondence, and in addition thereto, devoted a great deal of his time and energy in connection with the proposed clinic on trial technique which the Committee had hoped to be able to convert into a reality during the year. The interest and work of these two members of the Committee is largely responsible for the program which was presented.

While the Committee did not participate in the planning or presentation of programs of continuing professional study as sponsored by the Law Schools of this State, the activities of the Law Schools in this area should be mentioned.

The School of Law at Tulane University has initiated its program of professional study for members of the bar. The

Tulane program is organized on a permanent basis with the presentation of legal courses in such subjects as income taxation, labor law, oil and gas income taxation, and trusts which are presented at times convenient to the practicing lawyer. In addition thereto, the Tulane Law School also presented during the last year a series of lectures and discussions on the Internal Revenue Code of 1954 and a forum on real estate law.

The School of Law at Louisiana State University has likewise performed great service for the lawyers of this State through its institute program. The Annual Mineral Law Institute held in Baton Rouge during the winter gives an excellent opportunity to lawyers interested in this field. On March 25th and 26th, 1955, the Schools of Law and of Medicine at Louisiana State University jointly and in cooperation with the East Baton Rouge Bar Association and East Baton Rouge Medical Society, presented an outstanding institute on Medical-Legal Aspects of Back Injuries.

Although Loyola University did not present any programs for the members of the bar, an extensive program in that area has been undertaken. The Loyola University Foundation for Continuing Professional Education has been formulated for the purpose of presenting a series of short courses of twelve weeks' duration, two hours each week. The courses will be presented with faculty members of all three law schools and practicing attorneys in the State presenting the courses, and it is contemplated that a guest lecturer from outside the State will be presented occasionally. In order to facilitate attendance by practicing attorneys, the courses will be held in downtown New Orleans. The Loyola program will be initiated in the fall of this year with a course in mineral rights. Present plans call for additional courses in admiralty and insurance law.

The law schools in this State are to be commended for their recognition of the great need for continuing professional study by practicing lawyers. The program presented, and which is to be presented, by the law schools in Louisiana constitutes a substantial contribution to the need for continuing legal education among lawyers, and is of inestimable benefit to the practicing attorney.

In order to encourage further activity in the area of continuing legal education which will be effective in aiding the practicing lawyer to keep pace with the ever-changing legal principles, and in order that he may develop and grow as the law

develops and grows, and maintain his familiarity with the application and administration of the complex areas of the law, it is recommended to the President and Board of Governors of the Louisiana State Bar Association that the following action be taken:

1. Change the name of the Committee from "The Legal Institutes Committee" to the "Committee on Post-Graduate Professional Education".

2. Appoint a permanent representative of the Louisiana State Bar Association on either a full-time or a part-time salary, to coordinate the activities of the law schools, local bar associations, and members of the practicing bar in the field of post-graduate legal education.

3. Increase the allotment of funds to the Committee so that an amount sufficient to permit the Committee to carry out its activities will be available.

Respectfully submitted,

J. J. DAVIDSON, JR., CHAIRMAN
COMMITTEE ON LEGAL INSTITUTES

RESOLUTION

WHEREAS, Honorable Thomas W. Leigh, retiring president of this Association, has worked long and hard throughout the last year, and

WHEREAS, President Leigh's administration has seen a growth of interest in the Bar Association, its work and its value to the profession and the individual members, and

WHEREAS, President Leigh's unselfish service has brought credit to the Bar and the State,

NOW, THEREFORE, Be It Resolved by the Louisiana State Bar Association in Convention assembled that we express our gratitude to Mr. Leigh for his work as one of the great presidents of the Louisiana State Bar Association.

RESOLUTION

WHEREAS, the civil docket of the United States District Court for the Western District of Louisiana has reflected a 300% increase in pending cases since 1940, with approximately 550 cases pending at this time, and;

WHEREAS, it now appears that a period of two to three years from the date of filing will be required to try a civil case, and;

WHEREAS, the Court is compelled to give preference to an increasing case load on the criminal docket, which in turn delays the trial of civil cases, and;

WHEREAS, the docket is falling further and further behind, despite the intense efforts on the part of the two District Judges to expedite the trials of all pending cases, and;

WHEREAS, the Board of Governors of the Louisiana State Bar Association in a regular meeting assembled, has studied the statistical reports covering the condition of the docket and the work of that Court,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Governors of the Louisiana State Bar Association does hereby request that the Judicial Conference of the Fifth Circuit of the United States institute immediate action with a view to obtaining the appointment of an additional United States District Judge and such other personnel as may be necessary to enable the United States District Court for the Western District of Louisiana to promptly and expeditiously dispose of the civil docket of that Court.

BE IT FURTHER RESOLVED, that the Secretary of this Board be, and he is, hereby instructed to forward copies of this Resolution to the Judicial Conference of the Fifth Circuit of the United States.

RESOLUTION

WHEREAS, the activities of the Louisiana State Bar Association have been for some time restricted and impeded by a lack of adequate finances, and

WHEREAS, many members of the Association desire and have asked for an enlarged program, and

WHEREAS, the Association is presently operating at a deficit, and

WHEREAS, the members of the various committees of the Louisiana State Bar Association have for years worked under the severe handicap of inadequate financial support and have been able to serve only at considerable financial sacrifice, and

WHEREAS, the privilege of serving the Louisiana State Bar Association should not be restricted to those who are able to devote personal means to the necessary expenses, and

WHEREAS, the dues paid by the members are unreasonably low, and

WHEREAS, the activities of the Louisiana State Bar Association should not be restricted to the limited program now possible because of the limited funds available, and

WHEREAS, all members of the Association would greatly benefit by an expanded program which is only possible through an increase in dues,

NOW THEREFORE, BE IT RESOLVED, that the Louisiana Bar Association in convention assembled recommends that the Articles of Incorporation of the Association be amended so as to change Section 2 of Article V to read as follows:

Section 2. *Dues.* The annual membership dues for active members who have been admitted to the practice of law in the State of Louisiana for five (5) years or more, shall be Twenty-five (\$25.00) Dollars, and for those who have been admitted for less than five (5) years, shall be Five (\$5.00) Dollars. Members newly admitted to practice shall pay no dues until April 1 next following their admission."

BE IT FURTHER RESOLVED, that the Board of Governors of the Louisiana State Bar Association take such steps as are proper and necessary and as provided by the Articles of Incorporation of the Louisiana State Bar Association, to take a vote of the members of said association on the adoption of the proposed amendment to Article V, Section 2 of said Articles of Incorporation; and should said vote be in the affirmative adopting said amendment, then the Board of Governors of the said Association is hereby authorized and directed to take such steps as are proper and necessary toward drafting and preparing an amendment to the said Articles of Incorporation, to sign same on behalf of the Association and to file and record same in the office of the Secretary of State of the State of Louisiana and such other places as may be required by law, and to do any and all other things proper and necessary to properly and legally amend said Articles of Incorporation as above provided.

RESOLUTION

Offered by the Junior Bar Section of the Louisiana State Bar Association:

BE IT RESOLVED by the Louisiana State Bar Association, in Convention assembled, That:

The Louisiana State Bar Association recognizes the need of specialized courts of family or juvenile jurisdiction for the State of Louisiana.

The President of this Association is therefore directed to appoint a committee of twelve lawyers and judges, all members of the Louisiana State Bar Association, which committee will investigate the possibility of establishing a statewide system of specialized family or juvenile courts for the State of Louisiana. The composition of this committee will be as follows:

One Family Court Judge
Two Juvenile Court Judges
Two District Court Judges
Two City Court Judges
Five Practicing Attorneys

One member of this committee shall be appointed by the President of the Association to serve as chairman.

This committee shall have the authority to work with committees of other organizations and with individual laymen to do the following:

(1) To make an investigation into specialized family and juvenile courts of other jurisdictions.

(2) To make an investigation into the adaptability of such courts to Louisiana, integrating insofar as possible presently existing family and juvenile courts in this State.

(3) To recommend to the Association legislation which will provide such a system of courts at a cost to the State commensurate with their importance.

(4) To keep the public informed as to the need of such courts, and the work being done by the Bar Association toward their development.

Criminal Bar Association of New Orleans Honors Edwin I. Mahoney

On June 1, 1955, in ceremonies held before the Criminal District Court for the Parish of Orleans, sitting en banc, a plaque was presented to Edwin I. Mahoney in honor of his 52 years of practice and particularly in honor of the many services he has rendered to his profession and to indigent defendants during that time.

Each of the judges of the Criminal District Court, presided over by the Honorable Frank T. Echezabal, spoke in praise of Mr. Mahoney and his career. Mr. Charles A. Byrne introduced the various speakers and Mrs. Dorothy Horton, President of the Criminal Bar Association of New Orleans, presented the plaque to Mr. Mahoney on behalf of the Association.

Book Notice

FEDERAL INCOME TAXATION OF INDIVIDUALS, by Weston Vernon, Jr., of the New York and District of Columbia Bars, Lillian Malley Vernon of the New York and Connecticut Bars and Stuart E. Keebler of the New York Bar. Published by the Committee on Continuing Legal Education of the American Law Institute collaborating with the American Bar Association, 133 South 36th Street, Philadelphia 4, Pennsylvania. (May, 1955) \$2.50 150 pages.

With approximately 120,000 copies now in use, the concise, "how-to-do-it" handbooks of the Committee on Continuing Legal Education have made a unique contribution to the libraries of practicing lawyers.

This book, "Federal Income Taxation of Individuals," is the first in a new series on what the general practitioners should know about taxation. It is especially timely since it incorporates the Revenue Act of 1954.

In concise, understandable language, it advises the average general practitioner of the many items he should know about Gross Income, Accounting for Tax Purposes, Gains and Losses from Dealings in Property, Capital Gains and Losses, Credits against Tax, Computation of Tax, Tax Rates, Returns, Declarations and Payment of Taxes. But the mere topical headings do not reveal the nuggets of practical advice found in the text. The book should be in the library of every general practitioner.

Additional books in the series, all in preparation, will include Tax Problems of Partnerships, of Corporations, of Fiduciaries, of Farmers, of Associations and Charitable Organizations, Basic Pension and Profit-Sharing Plans, and Tax Fraud Cases. Together, they will round out a basic tax library for the general practitioner.

The books in this series, as well as all other handbooks of the Committee on Continuing Legal Education, sell for \$2.50 per copy, and three books for \$7.00, and in orders of six or more, \$2.00 per copy. Many lawyers have a standing subscription order for all publications at \$2.00 per copy.

A.B.A. Taxation Section Studies Revenue Code

The Section of Taxation of the American Bar Association is now carrying on an intensive study of desirable changes in the Internal Revenue Code of 1954 and is also working on the many questions which are arising under the proposed regulations of the new Code. In connection with this work, the Section is interested in receiving comments, suggestions and criticisms from all possible sources, including particularly interested attorneys and the tax committees of state and local Bar Associations. These comments, suggestions and criticisms may be forwarded direct to the Section of Taxation of the American Bar Association or through Charles D. Marshall, 1122 Whitney Building, New Orleans, Louisiana, who is a member of the Section of Taxation Committee on cooperation with state and local Bar Association tax groups. Acknowledgment will be made of the individual suggestions and the authors of the suggestions will be kept advised with respect to the Section's action concerning each proposal.

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Deep South Regional Meeting, American Bar Association, To Be Held In New Orleans

Louisiana lawyers will be among the 2000 attorneys from all Southern states attending the Deep South Regional Meeting of the American Bar Association in New Orleans in November. The meeting will last four days, starting November 27.

Cuthbert S. Baldwin of New Orleans, chairman, and his committee have been at work for almost a year in the preparation of a program calculated to keep Southern lawyers abreast of current developments and to stimulate an exchange of information and techniques. The New Orleans committee has had the assistance of leading American Bar Association officials in their planning.

"We're looking forward to welcoming the lawyers and their wives in record numbers from all of the Southern states," Mr. Baldwin said, "and we can assure them of a traditional deep-South reception. Many outstanding leaders of the legal profession already have accepted parts in our seminar and discussion forums and others will deliver addresses of national import. This will be a meeting no lawyer should miss and it will be open to all attorneys, whether or not they are members of the American Bar Association."

Headquarters will be the Roosevelt Hotel in New Orleans. A round of entertainment is planned between the sessions which open on Monday morning, November 28. Wives are especially invited, since the world-famous charm and hospitality of New Orleans will be important features of the festivities. One attraction will be a full-fledged and authentic Mardi Gras Ball, as only the Crescent City with its Carnival traditions, can stage.

Attorneys are urged to register and make reservations early by writing P. A. Bienvenu, P. O. Box 1460, New Orleans.

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LAWYERS, NOT MEMBERS OF THE AMERICAN BAR ASSOCIATION, ARE CORDIALLY INVITED TO REGISTER, ARE ENTITLED TO FULL PRIVILEGES, AND TO PARTICIPATE IN ALL SESSIONS OF THE MEETING.

Mail your registration or inquiries to:
Mr. P. A. Bienvenu, P. O. Box 1460, New Orleans



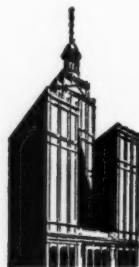
A LAWYER'S FEE IS A WISE INVESTMENT

IF you write your own will to save the fee that a lawyer would charge for drawing it, you save a few dollars—and it may later cost your family many times that fee.

Your "home-made will" may be declared invalid by the court. Then your estate will be distributed in the way the intestate law provides, perhaps depriving your wife of part of your property.

Your "home-made will" may transfer your estate to your family in the most expensive way, exposing it to unnecessary taxes and administration costs. An attorney, on the other hand, can probably suggest a more economical method of transfer that may save hundreds of dollars for your family.

Do not risk so much to save so little. If you have written your will, ask *your attorney* to read it. If you have not made a will, have him draw it now.



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